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THE NICARAGUA CANAL.

No other measure of public policy now submitted to the people of the United States is of such wide-reaching importance as the proposed construction of the Nicaragua Canal, and it is the duty of the organs of public opinion to state the elements of the problem that it offers, so that their readers may intelligently judge whether the United States should aid in its execution, and, if so, to what extent and in what manner. Hitherto such questions as this have been hidden under the cloak of diplomacy; but now, by the action of the Senate in removing the injunction of secrecy from negotiations with foreign powers, this great measure is open to the inspection of the American people, and is submitted to their judgment.

By a treaty, signed on December 1, 1884, between the United States and the republic of Nicaragua, provision was made for the construction by the United States of an inter-oceanic canal from the Atlantic to the Pacific, across the territory of that republic. It was sent to the Senate on December 10, 1884, accompanied by a message from President Arthur recommending its ratification in strong and earnest language; but it was not formally acted upon prior to the inauguration of President Cleveland, on March 4, 1885. Mr. Cleveland, a few days thereafter, formally withdrew the treaty from the consideration of the Senate, and, in his

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annual message to Congress, in December of that year, stated as his reason for so doing that it contained "propositions involving paramount privileges of ownership or right outside of our own territory, coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie." He further said:

> "Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribed entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory, or the incorporation of remote interests with our own."

Subsequently, on April 25, 1887, the republic of Nicaragua, deeply interested in the construction of the work, granted to a private association of citizens of the United States a concession of the right to build an inter-oceanic canal. A like concession was made by the republic of Costa Rica, situated on the southern borders of the San Juan River and Lake Nicaragua. The association obtaining these concessions was incorporated by an act of Congress approved February 29, 1889, under the name of "The Maritime Canal Company of Nicaragua." It appears from the terms of these concessions that the Maritime Canal Company is invested with the clear and unquestionable right to construct the work proposed, to sell its stock and bonds for the funds required, and to seek the aid of foreign powers, especially that of the United States. The American company thus authorized and organized has supplemented the previous examinations and *reconnaisances* of officers of the army and navy of the United States by careful detailed instrumental surveys, measurements, soundings, and estimates of cost; so that the precise work to be done and the difficulties to be overcome are known. This work has been revised by a board of consulting engineers, and, before any aid shall be rendered by the government, it is to be further revised by officers of the army and navy of the United States on whose skill and judgment entire reliance can be placed. The revised estimates place the cost of the work at $73,176,308, to which is added for possible contingencies $14,633,262; and to this must be added interest on the money invested during the progress of the work, making the aggregate cost about $100,000,000. The Maritime Company has entered upon the actual work of con-

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struction, and satisfactory progress has been made, so that the cost, location, and engineering problems involved are fully known. It is apparent that the physical difficulties to be overcome are not greater than those of many of the works of improvement undertaken within our own country, for the highest part of the water way is to be only 110 feet above the two oceans —a less altitude than that of the base of the hills which surround the city of Washington. The works proposed include a system of locks, similar in character to the one built by the United States at the falls of Sault Sainte Marie and to those constructed by Canada around the falls of Niagara. A single dam across the San Juan River, 1,250 feet long and averaging 61 feet high, between two steep hills, will insure navigable waters of sufficient depth and width for the commerce of the world, for a length of 120 miles. The approaches to this level, though expensive, are not different from similar works, and will be singularly sheltered from floods and storms. Of the distance of 169.4 miles from ocean to ocean, 142.6 miles is to be accomplished by slack-water navigation in lake, river, and basins, and only 26.8 miles by excavated canal. The greatest altitude of the ridge which divides the water of Lake Nicaragua from the Pacific Ocean does not exceed at any point 42 feet above the lake.

Perhaps the chief engineering difficulty is in the construction of harbors at the Pacific and Atlantic termini of the canal; but that at Greytown, on the Atlantic coast, which is considered the most formidable, has already been partially built. Vessels requiring 14 feet of water can now safely enter this harbor and discharge their cargoes at the docks of the company. The obstacles are not to be compared with those encountered in the attempted construction of the Panama Canal, or with those which were easily overcome in the construction of the Suez Canal; and the whole work, from ocean to ocean, is free from the dangers of moving sand and destroying freshets. Lake Nicaragua itself is one of the most remarkable physical features of the world. It fills a cavity in the midst of a broken chain of mountains, whose height is reduced, at this point, nearly to the level of the sea, and it furnishes not only the means of navigation at a low altitude, but enormous advantages as a safe harbor.

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Though the length of transit is greater than in the cases of the other routes proposed, the difficulties in the way are far less. These are disappearing as the work goes on, while the advantages which will be gained by the construction become more apparent, and can scarcely be measured. The first is one that will be, and ought to be, shared by the whole civilized world. The establishment of a water way between the Atlantic and the Pacific will realize the dream and hope of Columbus, who, underestimating the circumference of the earth, started on his voyage for the coast of India, and found his way blocked by the newly-discovered continent. Since that time, for nearly four centuries, explorers have hoped to find some open way across the isthmus, or, failing in that, to construct such way by artificial means. Every explorer and adventurer, every king and power, has shared in this hope, and to realize it many hazardous enterprises have been attempted. The government of the United States, in later years, especially since the settlement of California, has felt the deepest interest in accomplishing this latter achievement, has sought by negotiation and by treaties to protect the region from hostile occupation, has joined in several plans to construct canals across the isthmus, and has caused to be made elaborate and careful surveys, both by civil and by military engineers, with a view to the selection of the best route. Other nations have been equally interested, but not so active or effective in preparing the way and in selecting the location. The success of the Suez Canal led M. de Lesseps, who was the chief agent in the construction of that work, to seek to complete the channel of navigation around the world by a water way at Panama. The scheme contemplated the digging of a canal from sea to sea, partly at the level of tide water and partly below it. The work, thus far, has been a failure, and the plan is believed to be impracticable. The Nicaragua route, though burdened with the delays of lockage, is now conceded to be more practical, far less costly, and more useful, than the one at Panama, and will accomplish the same object.

The second great advantage to be derived from the construction of this canal, is the extension of our coast line through it to our western States and to neighboring countries. Vessels sailing from New York to San Francisco are now compelled to pass

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around Cape Horn, a distance of 19,000 miles. The benefits to be derived from this extension can scarcely be measured. The enormous quantities of wheat, lumber, and other articles produced on the Pacific coast can now be transported to the Atlantic States only by 3,000 miles of railway or by the long voyage around South America, so that the entire value of these productions is often consumed in the expense of the journey. It is believed that our coasting trade would be increased many fold by the use of the canal through Nicaragua, and that by it employment would be given to vessels at seasons of the year when they are now laid up in northern ports.

Another benefit to be derived by the United States from the construction of this canal is that it will give our people a community of interests with the western coasts of Mexico and South America, now substantially closed to our commerce. The commerce of these coasts, being compelled to go around Cape Horn, can from that point reach with less difficulty the markets of Europe than the markets of our own country; while, if the canal be constructed, there will be a safe, well-protected water route between the western ports of the American continent and our chief commercial cities. The canal will, for the first time, make possible an enforcement of the Monroe Doctrine, hitherto a mere dogma in American policy. The communion of interests between the American states will be enormously strengthened by this work. The South American republics are patterned after ours; there can be no clashing of interests between us. For many years they are not likely to be manufacturing countries, but will be devoted mainly to agriculture and mining. They would naturally exchange their gold, silver, sugar, coffee, tropical fruits, guano, and other sources of wealth for the manufactures and productions of the United States.

The construction of this canal would seem, judging by statistics, to be a very profitable investment for American capital. The rapid accumulation of wealth in our country has removed us from among the nations that, by their means, are limited to home enterprises. Assuming that the estimate of tonnage is not excessive, and that the cost of the improvement will not exceed $100,000,000, the smallest rate of tolls proposed by any one will

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yield at least five per cent. on the investment, as well as secure to our citizens, from their proximity to the work, great advantages of trade and profit over foreign competitors.

I will not enter into details as to the nature of the work, or as to the further benefits to be derived from its construction. The question remains, How shall it be executed? And this question must be solved, not in such a way as to advance the interests of private citizens or companies, but as to benefit all the people of the United States. It is proper for me to emphasize the fact that the Maritime Canal Company, and the Construction Company organized by it, have made no application to Congress for aid. The Maritime Canal Company can, no doubt, by making great sacrifices of its stock and bonds, secure the completion of the canal; but all experience shows that this will involve an output of stock and bonds that will be a permanent charge and burden upon the commerce that passes through the canal. The Senate Committee on Foreign Relations has examined the officers of the Maritime Company as to their plans for raising money, which appear to be substantially the same as those adopted for other works of improvement constructed by private corporations. As no income or profit can be derived from the work until its completion, and until the actual passage of vessels through the entire length of the canal, the company, without aid from the government, would be obliged to rely upon its credit or upon its own resources; and, under the most favorable circumstances, it is shown that the burden of liabilities upon the completed work would be not less than $250,000,000, and might extend to $400,000,000, most of the amount borrowed at a high rate of interest accompanied by large discounts. The stock and bonds would have to be disposed of in the open market, and would be sold largely in Europe. Therefore, though the work would have been instituted and conducted by American citizens, the control and management of the corporation would necessarily drift into the hands of holders who would have no regard to the important American interests involved in the enterprise. On the other hand, it is apparent that if the United States should aid the work by their credit, the Maritime Company would be able to complete it at the estimated cost without discount or loss; and

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that, in consideration for this aid, the United States could prescribe such terms and conditions as would carry out the object of the concessions and the fixed policy of this government. Vessels of the United States will, in all probability, carry the chief commerce through the canal, and it is for the interest of our people that the charges on these vessels shall be so low as to induce the largest possible number of their owners to avail themselves of the benefits of the canal.

The question, then, before those who were drafting a bill to secure government aid, was in what way this aid should be rendered without involving a departure from our established policy as stated by Mr. Cleveland, and without pecuniary loss or entangling alliances. The only method that was suggested was the one adopted by other nations under like circumstances, and especially by Great Britain in respect to the Suez Canal, namely, that the government should, in consideration of its guarantee, secure such a control of the majority of the stock as to enable it to protect the interests of the people, and such control of the expenditures on the work as certainly to limit the obligations of the company to the actual cost of the canal in money. These primary objects have been, it is thought, secured in the bill now pending, by an unconditional guarantee of payment of the principal and interest of the bonds of the company; by the application of the proceeds of these bonds, under the direction of United States engineers, to the work actually done; and by the transfer of $70,000,000 out of $100,000,000 in stock to the United States, with the power to vote at any meeting of the company and with a proper representation on the board of directors. These, and other provisions of the bill reported, will, it is confidently believed, not only secure the completion of the work at cost, but will place it in the power of the United States to protect their citizens in the full rights conceded by Nicaragua and Costa Rica, and will prevent the management of the work from falling into the hands of men who are indifferent or hostile to American interests in that portion of the world.

These objects being secured, the question arose as to what arrangement should be made with the American citizens who had, when the United States declined to construct the work, ob-

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tained concessions, and who had actually entered upon its construction. The act of their incorporation provided that it might be altered, amended, or changed, at the pleasure of the United States; but the exercise of this power without regard to the interests of the incorporators, and without neglect or forfeiture on their part, would have been a breach of the public faith. The only result would have been that the government would have been compelled to undertake the work itself, or, by declining to do so, would have maintained the dog-in-the-manger policy of refusing to execute, or to allow any other power to execute, a work of conceded importance to all the nations of the world. At the same time the public naturally objects to the use of the credit or the money of the United States to advance the personal interests and profit of individuals. It was therefore provided that the promoters of the Nicaragua Canal should be reimbursed only for the actual cost to them of the work already done, and that this cost should be ascertained by proper officers of the government and paid in the bonds of the Maritime Company guaranteed by the United States. In addition, it was provided that the promoters should have such reasonable allotment of the stock that they already own by virtue of the concession granted to them, as would be a just and fair compensation for their vested rights and for their services. By the terms of the contract entered into by the Maritime Company with the Construction Company, the latter is entitled to $12,000,000 in stock, in consideration for the concessions and privileges granted by Nicaragua and Costa Rica, which were transferred by the Construction Company to the Maritime Company. It was deemed, after careful consideration, that, as this stock has not yet been earned, the Maritime Company should be allowed to issue to the Construction Company stock of the former company to the value of $3,000,000, upon condition that all other stock of the Maritime Company, of every kind, name, and nature, issued or agreed to be issued, should be surrendered and canceled, except $6,000,000 stipulated to be given to Nicaragua for its concessions, and $1,500,000 to be given to Costa Rica. The value of this stock at first would be nominal, and its future value would depend entirely upon the value of the completed work. This proviso

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is regarded by the Maritime and Construction Companies as harsh and illiberal, yet they have agreed to it, as well as to the other terms and conditions proposed in the pending bill.

The more I reflect upon the transcendent importance of the work proposed, upon the international difficulties which formerly surrounded the subject, upon the objections of a large portion of our citizens to the direct construction of the work by the United States according to the plan proposed by the treaty, and upon the just claims of the American promoters of this enterprise who have been engaged in it, the more I am convinced that the aid to be given by the United States, if the bill should become a law, would be a wise act of public policy, second in importance to no other in the history of our country, and of general benefit in promoting our commerce and industry in every section. No doubt the cities along the Gulf of Mexico and the southern Atlantic coast will first feel the beneficial effect of this improvement, but it will extend to the people of every State, by the increase of their commerce and productions.

To reject or to neglect the opportunity now offered would leave this enterprise to the chances of failure, or transfer its control to commercial rivals whose interests and fixed policy would lead them to convert a great highway of nations into a dependency more formidable than Gibraltar and more troublesome than Canada. A commercial company in India has been converted into a vast empire; the single port of Hong Kong is made to dominate a great population in China; the control of the Suez Canal and of Egypt has been purchased in the stock market—these are sufficient warnings to the American people to avail themselves of the opportunity now open to them to protect their coastwise trade, and at the same time, with little cost and no risk, to contribute to the world one of the greatest achievements of mind over matter that has ever been undertaken.

JOHN SHERMAN.

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SILVER AS A CIRCULATING MEDIUM.

THE country is misled, to some extent, by the claim that our currency is upon a gold basis. It is only partially so. The part played by gold in financial affairs is important, but it is subordinate. Gold certificates circulate as currency, and, together with gold coin, constitute a portion of the reserve in the national banks. Thus gold adds to the volume of currency, and for the purposes of business it is quite immaterial whether or not the metal itself is in circulation. In point of economy and convenience, the currency of a country should always be of paper. For this there are many reasons. The abrasion of metals by use is a very considerable item of loss, and this is true especially of gold. A hundred thousand gold dollars cannot be transferred, coin by coin, from one receptacle to another, without an appreciable loss. Small coins of silver show the results of use after a few years. Again, the inexpert public are more easily deceived by false coins than by counterfeit notes, and spurious coins are more easily produced than spurious notes. A million dollars in silver weigh about 30 tons, and a like value in gold weighs about one sixteenth as much. The substitution of subsidiary silver coins for fractional paper currency imposed a loss upon the government, in the cost of production, of not less than $350,000.

These facts warrant the conclusion that the use of coin, whether of gold or of silver, is both inconvenient and expensive. The continuous use of paper can be secured only by the presence of confidence on the part of the users. That confidence can be maintained only by the promise of a party supposed to be responsible, and that promise must be sustained by the possession of a quantity of coin by the debtor party quite equal to any demand that can be made by the holders of the promises. This condition is fulfilled by our gold and silver certificates, each one of which represents an equivalent of gold or silver coin in the treasury of the United States. There is, therefore, as much rea-

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son for confidence as can be found in any currency scheme that has ever been devised. Under this system a man who deposits gold and receives a gold certificate can command gold at any time, and a man who deposits silver and receives a silver certificate can obtain silver whenever he may choose to ask for it.

The difficulty which the country is called upon to meet is not a result of this system, but of the fact that the extraordinary production of silver has worked a reduction of its value in comparison with gold. In 1860 silver was more valuable than gold, measured in conformity to the legal ratio existing in the United States. On that basis the silver in a silver dollar would purchase the gold in a gold dollar and leave a remainder of four cents. That condition was due to the extraordinary returns from the gold placer mines of California. Coincident with the exhaustion of the placers came the invention of the power drill, by Charles Burleigh, and the more practical use of dynamite as an agent for blasting rocks. In the last 20 years, and more especially in the last 10 years, a most wonderful progress has been made in processes for the economical use of coal and in devices for the reduction of metallic ores. Since about the year 1870 the production of silver has been in excess of the production of gold, as compared with the demand for each metal as coin and in the arts. Nor should the fact be overlooked that the demand of the arts must be first met, as the workers have always the ability to use coin if the supply of bullion should be inadequate. As wealth increases, the demand of the arts for the more precious metal increases in a corresponding ratio. The experience of recent years seems to justify the opinion that the earth's treasure of gold is less, relatively, than its treasure of silver, and that the movement of events, under the inexorable laws of supply and demand, tends toward the greater use of silver as currency, or as the basis of currency, and toward the less frequent use of gold.

For 14 years this process has been going on, until in the United States the circulation of gold does not much exceed $130,000,000, while the circulation of silver is not less than $310,000,000. For the last 12 or 15 years it would not have been practicable to limit the currency of the country to gold and to

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paper if there had not been a considerable and yearly-increasing issue of United States notes. During the last 12 years the annual product of the gold mines of the United States has averaged about $35,000,000. Of this sum not less than $10,000,000 has been used in the arts. It is manifest that an annual increase of $25,000,000 in the volume of the circulation would have been quite inadequate, and hence it is now manifest that the country was compelled either to legalize the use of silver or to authorize an annual addition to the volume of greenbacks. As to the future, it may be predicted, with a reasonable degree of certainty, that silver is to be the chief factor of the currency of this country and of this continent; unless there should be a large increase in the gold product, and if we reason from known facts, there is no ground on which to predict such an increase. In the last 10 years the annual product of gold has neither risen above $36,000,000 nor fallen below $32,000,000. Without now canvassing the wisdom of particular measures, the experience of these 10 years justifies the use of silver as the most available, most valuable, and least dangerous means of reinforcing the currency of the country. The important questions remaining are these: To what extent and by what measures shall the use of silver be continued? By what means shall England and Germany be induced or compelled to authorize the use of silver, and through an international agreement to aid in determining its value, relative to gold, for all the purposes of domestic and foreign trade? Not more than 30 years ago it would have been thought a supreme achievement in finance to secure a paper currency based upon an equal deposit of either gold or silver in the treasury of the United States; but now that we are approaching a condition when such a deposit of silver seems inevitable, the public mind is disturbed by conjectures, theories, and apprehensions as to the consequences. These apprehensions of evil may never be realized; but most assuredly they are suggested, naturally, by the existing condition of affairs.

A history of the stages by which the country has reached the present condition requires some reference to my official opinions and doings in the treasury and in the Senate of the United States. In December, 1872, silver had depreciated about seven

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per cent. from its value relative to gold in the year 1860; that is to say, a gold dollar would then purchase the silver contained in a silver dollar and leave a margin of something more than three cents. The prospect was that the depreciation would continue for many years. In my report to Congress in December, 1872, I made the following statement:

"In the last 10 years the commercial value of silver has depreciated about three per cent. as compared with gold, and its use as a currency has been discontinued by Germany and some other countries. The financial condition of the United States has prevented the use of silver as currency for more than 10 years, and I am of opinion that upon grounds of public policy no attempt should be made to introduce it, but that the coinage should be limited to commercial purposes, and designed exclusively for commercial uses with other nations. The intrinsic value of a metallic currency should correspond to its commercial value, or metal should be used only for the coinage of tokens redeemable by the government at their nominal value. As the depreciation of silver is likely to continue, it is impossible to issue coin redeemable in gold without ultimate loss to the government; for when the difference becomes considerable, holders will present the silver for redemption and leave it in the hands of the government, to be disposed of subsequently at a loss. If the policy should be adopted of issuing irredeemable silver coin whose intrinsic and nominal values should correspond to those of gold, the time would come when the country would suffer from the presence of a depreciated silver currency not redeemable by the government or current in the channels of trade."

If we accept the fact that our silver coins are not current in the channels of trade outside of the United States, all that was thus predicted in 1872 has been verified by the experience of subsequent years. In accordance with these views, Congress passed the act of February 12, 1873. By this act the use of silver was limited to the subsidiary coins and to the trade dollar of 420 grains, to which the legal-tender quality was denied for payments above five dollars. The new dollar was designed for the India and China trade. This result was so far attained that for many years there was a large coinage of the trade dollar for foreign markets, and in limited quantities it circulated in the United States. The act of February, 1873, was known as "the act for demonetizing silver," and in Congress and before the people the charge has been made that it was passed secretly or surreptitiously. The charge has no foundation whatever. From the first days of December, through a period of more than two

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months, my recommendation and the current proceedings of Congress were before the country.

The financial troubles of 1873, and the relative decrease in the production of gold as compared with the production of silver, when considered in reference to the demand for gold in the leading countries of Europe, gave to the advocates of silver an immense advantage in Congress and before the country. The several reports made by the various members of the Silver Commission of 1876 justified the conclusion that the time had come when the exclusive use of gold should be abandoned. In this conclusion, as a member of the Commission, I concurred, subject, however, to the condition that an effort should be made to secure the co-operation of European countries, and especially of England and Germany, before any authority should be given for the coinage of silver in the United States. This view was not accepted, and in February, 1878, an act was passed over the veto of President Hayes, authorizing the coinage of silver dollars and making them legal tender. The same act made provision for a conference of nations for the purpose of agreeing upon the use of both gold and silver upon an arbitrary ratio of value.

By the act of 1878 the secretary of the treasury was required to purchase and coin $2,000,000 worth of bullion each month, and authority was given to him to purchase $2,000,000 in addition, whenever, in his opinion, the public interest should require such purchase. This statute closed the controversy for all practical purposes. The wisdom of the measure is open to debate; but the country then entered upon a policy from which there can be no departure, except by a wrenching of our financial system so serious that its consequences would be felt by the commercial world. When the act was passed the currency of the country was upon a gold basis. Its passage was in accordance with the report of the majority of the Silver Commission created under a resolution of the houses of Congress, August 15, 1876. I may be allowed the additional personality of saying that I did not concur in that report. On the contrary, speaking for myself only, I then said that the introduction of silver as a currency ought to be postponed until an effort to secure the co-operation of other countries should be faithfully made, and that the remonetization of silver by

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the United States would be "followed by such a depreciation in its value as to furnish a reason against the adoption of the plan by the rest of the world." These views were in harmony with the policy that I had advocated in my report of 1872. In that year, and thenceforward until 1876, the country was upon a gold basis, and I thought it wise to rest upon that basis in the hope that England would soon realize that the output of gold was inadequate to meet the demands of the commercial world.

By the act of 1878 the remonetization of silver was authorized, and a conference of the nations was invited. As might have been anticipated, England and Germany, under the influence of a well-founded opinion that in time they would be able to monopolize the free gold of the world, avoided any conclusion favorable to the policy of the United States. Thus it happens that the governments of England and Germany are engaged in a struggle, not free from serious difficulties, to place and to keep the business of those countries upon a gold basis, while our government is engaged in a futile attempt to maintain its silver coins and its gold coins at an equality of commercial value. While I adhere to the opinion that we committed an error, which may result in serious and far-reaching evils, in not inviting and securing a conference in advance, when our position as a gold-using and a gold-producing country was a menace to England and Germany, I cannot but admit that the use of silver has been an efficient agent in securing the degree of prosperity which the country has enjoyed during the last 10 years. The use of silver has rendered the withdrawal of a large volume of national-bank notes a comparatively harmless proceeding; but had the country been upon a gold basis exclusively, the stringency would have been such as to force an additional issue of United States notes.

At this point I venture the statement that the annual output of gold—in excess of the demand in the arts, which must be first met either by the use of bullion or by the use of coin—would be wholly inadequate to meet the necessities of England, Germany, and the United States, if the use of silver should be limited to subsidiary coins; and that this is so even if we take no notice of the requirements of other parts of the commercial world. On this view of affairs rest the alternative statements that either all com-

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mercial nations must use both gold and silver upon an agreed ratio of relative value, or some nations may use gold exclusively, while other nations must accept silver altogether or as the chief part of their currency. Voluntarily, and for the time being at least, we have placed ourselves in the latter class, and for the time being there are no visible and feasible means of changing our condition. The coinage of silver, under the statute of 1878 and its amendments, amounted, on January 1, 1891, to $376,000,000, and the thought of demonetizing silver and withdrawing this vast sum of coin from use cannot for a moment be entertained by any one.

The remaining question is this: In what manner can the use of silver be continued with the fewest and least serious evils to the country? Incident to this inquiry are two alternative propositions: Shall the use of silver, either in coin or in bullion, as the basis of silver certificates, be limited to the production of the United States, or shall we tender our market for the product of the entire world? The latter course might, and probably would, stimulate the production of silver in countries where the mines are richer than those of the United States, where labor is less expensive, and where, without much delay, the most effective processes and the most advanced inventions would be adopted. Can the miners of the United States be subjected safely to this competition? The value of this inquiry may be estimated by the facts that in 1878 the silver mines of the United States yielded 47 per cent. of the entire product of the world, while in 1890 the yield was a trifle less than 40 per cent. From 1887 to 1889 the increase for the world was $37,000,000, and of this increase only $11,000,000 came from the mines of the United States. In view of these facts, and of the reputed wealth of the mines of Mexico and South America, it is not unreasonable to apprehend that the destruction of the silver-mining interest in the United States would follow if the coinage of silver should be opened to the product of the world. Moreover, there is a large amount of silver coin and bullion in Europe which the holders would gladly exchange for gold, even at some loss in nominal value.

With the balance of trade in favor of the United States, it will not be easy for foreign banks and bankers to obtain American gold in large quantities, though there are possible devices

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by which inroads upon our product might be made. If, however, the balance of trade should be against us, the depletion of our stock of gold would go on with great rapidity. As gold is now a part of our currency, and the better part of our currency, we ought to retain as large an amount as possible in our hands; and as silver is the less valuable of the two metals, we should do whatever is in our power to extend its use in other countries. As the coinage of any considerable additional quantity of silver is a useless expense, it seems wiser to continue the purchase of silver bullion, the product of the United States, upon the present basis substantially. The silver dollar of the mint is a depreciated dollar when compared with the gold dollar, which is the standard in international transactions; and it seems unwise to transfer to the general public the power to issue these dollars with such limit only as may be fixed by the uncertain product of the mines. Possibly the country would be subjected to troubles and losses of no inconsiderable magnitude, in case the production of silver should increase, and the gold countries should be able to adhere to the single standard. In any view of the case, the evils of a depreciated standard of values must fall upon all classes, and that fact may with justice sustain the position that the profits of coinage should inure to the country rather than to a class.

The refusal of the states of Europe to co-operate with the United States in the use of both metals upon an agreed ratio of value, may produce disasters in all the countries, but it is not improbable that the consequences will be more serious in England and in Germany than in the United States. In the United States the volume of currency will be increasing constantly, and with the additions to the volume there will be an enlargement of business and an increase of activity in business pursuits. This condition of affairs, so prosperous apparently, will be followed by a panic due to some untoward event in business, by a general loss of confidence, by a hoarding of means by the creditor class, and by distress and bankruptcy in the debtor class.

Neither the statistics of a single country, nor a comparison of the statistics of many countries, furnishes a guide to a safe opinion as to the volume of currency which a given number of peo-

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ple can wisely and profitably use at any given period of time. Omitting all reference to possible ultimate consequences, it may be assumed of a nation in which the volume of currency is increasing that there will be activity in business and an aspect of general prosperity. On the other hand, there will be depression, discontent, and finally bankruptcy, more or less universal, in a country in which, through a continuing series of years, the volume of currency decreases in proportion to population and to the demands of business.

The present yield of gold, after deducting the bullion required in the arts, cannot furnish more than $80,000,000 a year to the gold coinage of the world, and of this amount not more than $40,000,000 can be appropriated by Great Britain and Germany. This slight addition may not keep pace with the demands of business and of an increasing population, and thus those countries may be subjected to a constant financial pressure which will compel them to accept the bimetallic system and thereby bring to a close a controversy and a rivalry which are fraught with peril to the industries and business of both continents.

GEORGE S. BOUTWELL.

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DO WE HATE ENGLAND?

LET us thank God that the art of war is tending to suicide. Its cost has become a sting in the tail, which menaces head and front. A hundred years ago, when a war could be carried on for years at the expense of less life and treasure than must now be wasted in a single campaign, Edmund Burke impeached what he called "wars of calculation," as worse than absurdities, even apart from moral considerations. "On balancing the account of such wars, ten thousand hogsheads of sugar are purchased at ten thousand times their price." This is just as true of fish quintals and seal skins. He continues:

"Speculative plunder, contingent spoil—these will never support a mercenary war. The blood of man should never be shed but to redeem the blood of man. It is well shed for our family, for our friends, for our God, for our country, for our kind. The rest is vanity, the rest is crime."

Compare these noble utterances with the flippancy of our journalism, and with our political bravado about Alaska and Newfoundland. Have we learned nothing from the terrible destructiveness of our civil war, its awful bloodshed, its intolerable bounties and taxation, entailing upon another generation the enormity of the pension bill? Other great powers, and those the most warlike, are fulfilling the prophecy, in part, that "nations shall learn war no more." Doubtless the partition of Africa has been undertaken in a mercenary spirit, and makes possible future "wars of calculation"; but, for the moment, the high competing parties have paused at the threshold of such a future, and, deliberately counting the cost, have given a lesson to the world. Of this gigantic scramble for a continent and its pacific adjustment, M. de Laveleye says*:

"The way in which the European states have divided Africa between them is not less worthy of attention than the facts we have already noticed. . . . Diplomatists have taken the place of generals and admirals, and the pen has been substituted for the sword."

* The FORUM, January, 1891, p. 489.

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One breathes more freely as he reads this. But is Othello's occupation gone? Is diplomacy equal to other crises of the times? Is there sanity enough in cabinets and congresses to repress the madness of politicians; to confront the strain and the commercial rivalries of the epoch, of this universal greed for booty and clutch for territory? Can the pen, with nothing but law and common sense flowing from its point, prevent the profligate waste of human life and blood, and reduce armies and navies to the insignificant scale of a police, armed only against piracy on the seas and anarchy on shore?

For four hundred years diplomacy has preferred to fan the sparks of war into conflagration, rather than to extinguish them. From the times of Machiavelli to those of Talleyrand, diplomatists have been excused from keeping a conscience, under the maxims of the great Florentine, which have been accepted in civil matters as well as in war affairs. But what was philosophy in him has come down to the grosser instincts of the masses in our day, in their practical proverb, "All is fair in politics." In our own Republic the purification of politics has been derided as an "iridescent dream," which is the same thing as to pronounce the putrefaction of public morals an immedicable ulcer. Nor can England afford to cry shame on us. In her Parliament, side by side with those who still uphold its ennobling traditions, sits a class of men not a whit superior to those who have brutalized and subjugated the municipality of New York. I have seen lawgivers who write "M.P." after their names scuffling with the police and howling with the rabble in Trafalgar Square. While we must take account of such elements as these in forming our hopes for the future of England and America, we may yet indulge the trust, I humbly conceive, that what has prevailed with the governments of Europe so practically for the peaceful solution of African problems, may prove not less practical with us. It may be a good thing for the future, that just now a veil is lifted from the secret history of the past by the appearance of the private memoirs of M. Talleyrand—that Proteus of diplomacy, that enigma of his own day, and that lesson of warning to our own. Perhaps to him, more than to any other civilian, we owe the outcome of an epoch that ex-

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tinguished the Bourbons and brought down to the dust the anomalous fabric that had stood for a thousand years under the fictitious label of "The Holy Roman Empire." So perish other fictions that invite alike the anathema of Daniel the prophet, and the scorn of the cynical Byron:

> "Those pagod things of sabre sway,
> With fronts of brass and feet of clay."

The confessions of Talleyrand may teach the publicists of our day to discard forever the Machiavellianism of which his melancholy career is an unparalleled example. Then, indeed, the pen of a great secretary may spike a Kaiser's cannon, and outweigh the sword of Brennus. But this cannot be until quibbling and chicanery shall be held as contemptible in the protocols of cabinet ministers as in the pleadings of "Quirk, Gammon, and Snap," and other pettifoggers of the Old Bailey.

Why should all that discredits a dealer in the traffic of the market be considered creditable in the sharp practice of a diplomatist? It is refreshing to be told, in response to such inquiries, that diplomacy is purifying itself, as it were. In the recent division of spoils between those great powers which have partitioned Africa from the Cameroons to Zanzibar, we are reminded of the proverb that honor exists among thieves. Says M. de Laveleye:

> "Germany was . . . clearly encroaching in a very decided manner on territory apparently reserved to England. But the question arose whether it was worth while to quarrel over a few strips of land in the dark continent, and whether the friendship of the great military power was not well worth some small sacrifices on the part of the English government. After prolonged discussion an understanding was arrived at, which took the form of a mere exchange of letters, not of a treaty."

Note this memorable information—that even treaties are as needless as red tape, if only diplomatic correspondence may be reduced to the fair dealing which binds honorable men in what they write and sign with their hands. "This is now the formula," continues M. de Laveleye, "employed for arrangements of this description"; and most important is his intimation, that thus "new principles of international law" have been introduced into the diplomacy of Europe. "Hail, holy light!"

What followed? England hauled down the meteor flag,

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which for nearly a century has been her counterpart of Gibraltar in the German Ocean; her proud reminder to the Baltic ports of "Nelson and the North, and that glorious day's renown." Thus even haughty England could purchase peace, without loss of honor, by acting on the maxims of her own Burke, against every dictate of pride and passion. Talleyrand never imagined such a moral advance in the art of pacification. But why should not we be as ready to count the cost of a mercenary war about codfish and seals—the cost in floods of human blood, and in perpetuated feuds between kindred peoples? With the new principles introduced into diplomacy by such examples, is it possible that ignoble counsels should prevail with the English or with us, at the sacrifice of those relations which every consideration of interest, and of future alliances the most desirable for both powers, call upon both powers to cultivate now and to make cordial forever? Statesmanship is bankrupt indeed, if it does not acknowledge, as a recognized law of diplomacy for these two nations, that they possess motives for such alliances preponderating over any irritating difficulties of the moment that may arise—motives such as were never before enjoyed by two great contemporary powers; such as are envied by all the other governments of the civilized world; such as they would gladly see us throw to the winds. If we should forfeit the advantages that they offer, we should be a laughing stock in all the cabinets that now influence the destinies of mankind.

Compare with such considerations of far-reaching forethought, with such common-sense ideas of timely concession and honorable compromise, the flippancy of the suggestion, worthy only of schoolboys, that we must first draw blood, and have a wrestling match on field and wave. To compromise and concession we must come at last. When thousands of brave men fester under the soil, or lie in the fathomless depths of the sea, lo! then we must come down to humiliating terms of peace, perhaps equally discreditable to both powers, as the price of a puerile curiosity to see which is the best boxer without gloves. We need not sigh because "the age of chivalry is gone"; for with it have passed away innumerable follies, and after them should vanish this puppy passion for jousts and passages at arms.

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Honor still survives; and by honor must not be understood a thing of naught to which duelists appeal, but rather the high spirit that embodies all that was best in chivalry. It includes the deference paid by chivalry to the weaker sex, and also a refinement of feeling, allied to reverence for woman—the generous instinct that abhors a bully. On this genuine spirit we may still rely, for it is what Burke meant when he eulogized, as "the cheap defense of nations," this "unbought grace of life, the nurse of manly sentiment and heroic enterprise, the spirit of an exalted freedom." That such a spirit is extinct in either of the great families of the marvelous race called "Anglo-Saxon," I cannot by any means admit.

My primary duty is to my own nationality, and in nothing that I have said do I mean to assume that we are in the wrong in questions that now agitate Downing Street not less than the White House. But if there is bad blood in their mutual assurances of "high consideration," I must confess the unpleasant fact that, while it is engendered by nothing that is American, it comes of the common degeneracy, in both countries, of those who now shape legislation. We suffer alike from an apple of discord tossed into our social elements by the rivalry of politicians; nothing less than this inveterate Hibernian scandal, with which, in itself considered, we Americans have no concern. English publicists have too readily permitted themselves to imagine that "Americans hate England." Superficially, and as regards such quarrels as brothers often keep up, so long as no supreme interest of the family brings out the deeper and more real instinct of unity, this may be true. As the older and less sensitive nation, England ought not to allow such an idea to become practical. The great peril of popular government, which often elevates the passions of the moment into the policy of a state, is far more constitutional with us than with a government still balanced and checked by established traditions and by the predominant authority of usage and precedent. Why should the older and better-disciplined government permit such an idea to crop out in irritating reproaches, begetting reciprocal hate?

Not long after the close of our civil war, I was the guest of an eminent Englishman, in an old baronial hall which had been

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the scene of great historic events. He invited me, one evening, to turn aside from the company for a little talk about that war, to gratify his curiosity as to my own views of it and of the share of England in its complications. I answered his inquiries not as a northerner, but as an American, able to do justice to the South, while maintaining my own convictions that the Confederacy was wrong and that England's sympathy and succor were not right In fact, the conduct of England was a blunder, worse than a fault; because it sacrificed a golden opportunity of teaching us the truth for which I am contending, that neither in our internal discords nor in possible wars with other nations can it ever be justifiable, on either side, to destroy the bonds of perpetual peace between the kindred peoples. "But, ah!" said my friend, "you have yourselves to blame for that blunder, or—if you will—that crime; at least you must blame Mr. Seward. He told the world, from his cabinet place, that the quarrel was an affair of forty days, and had nothing to do with slavery. This was the inspiration of all we did to exasperate the North, in giving aid and comfort to the weaker party." How I tried to answer this is of no importance. With great generosity my noble opponent ended the conference with a confession that his views were greatly modified; and, "I thank God," he said, with fervor, "that all was ended as we now see to be for the best."

I introduce this digression only to make a rejoinder, in a like spirit, for our impolitic, and, as I suppose, unjustifiable conduct, in sending sympathy and a money tribute to the Parnell faction. I must adopt his formula and return it thus: If our conduct has been criminal and a blunder as well, which I do not care to affirm or deny, you must thank yourselves for it; or at least you must thank Mr. Gladstone. Did not "the grand old man" induce us to credit a thousand fables about the wrongs of Ireland? Is he not responsible for all the delusive eloquence which our partisan politicians retail at second hand? Do not thousands of Englishmen of the educated classes follow his lead, pulling the houses over their own heads to establish "home rule" in Kilkenny? Is it not true that, only a few months ago, had events hurried up a general election, Englishmen would have returned an overwhelming majority to ministerial benches, under

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Mr. Gladstone as first lord of the treasury? Do all these Englishmen "hate England"? Mr. Lecky has recently turned light upon some of these matters, which may lead sober Americans to answer that, practically, such Englishmen do hate England; for they have deserted the flag of the empire and hoisted the green above the red, as the banner of party. But, if the influence of Mr. Gladstone has so prevailed over the sober sense of a majority of Englishmen, are not Americans far more excusable for their delusive sentimentality in behalf of the weaker party? I think they are; but, in point of fact, there is nothing American in the phenomenon. Over and over again have I heard Americans, of both political parties, declaiming, in their table talk, over the astonishing degeneracy of English politics, and lamenting the inexplicable inconsistencies of "the grand old man." In fact, our political condition here reflects the conditions there. "The Irish question" is the war cry of conflict between parties nearly equal on both sides of the Atlantic. In England itself one party stakes everything upon its professed championship of Ireland; the other tosses even its children to the wolves, in efforts to escape from a dilemma, and to make headway, with like expedients for retaining power. It is just so with us. The Irish, indeed, do not disguise their "immortal hate and study of revenge." In this they have no American sympathizers worthy of mention; but politicians will make the reverse appear to be true so long as a few thousands of Irish votes may turn any election this way or that. Few observe that if this be more than temporarily so, our system of popular government exists no longer. Both parties are equally at the mercy of aliens. It is no more government "by the people and for the people." The people are robbed of their birthright by the baseness of political leaders who buy this mercenary vote at the sacrifice of all that is dearest to Americans, making "Irish politics," instead of our own affairs, the predominant and ruling interest of the hour.

I do not see, I am sorry to say, that politics in England are more healthy or cleaner than our own. What I do see that is very hopeful among us, is, 1, that the Irish vote is losing its importance in the political market, as other foreigners begin to outweigh it by a more prompt adoption of American ideas; 2,

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that the Irish of the third generation are not so easily cudgeled by hedge priests out of their political rights, especially if they have gained a little information in the common schools; and, 3, better yet, that the ultramontane hierarchy, in their wars upon American institutions, in their impudent assertion of the papal supremacy over civil as well as temporal matters, and in their offensive pose as "sovereign princes" (words used by the envoy Satolli, to describe the position of papal bishops in America), are creating a breach with their more intelligent laity, which these are growing bold enough to avow. In another decade we may hope to see the old national spirit revived and predominant. Woe to the caitiffs who now block the way to such a revival, for no American can long endure the subjugated condition and degradation of the great municipality of New York. The financial center of the Republic cannot long be insensible to its threatened loss of credit in the markets of the world; for it is becoming known that ruffians may be found in its magistracy, that ignorant tapsters may be judges in its courts, and that packed juries of aliens may render verdicts there that shake the affairs of moneyed corporations.

I write, indeed, as an American of the old colonial stock—that vanguard of civilization in the new world. As such, I was reared under influences which assured me that love of my own country was not likely to be made less sincere by the study of its history, and by comparing what we are with what would have been had the French who settled Canada, or others of the Latin race who established themselves in Mexico and South America, been permitted to forestall, or to supplant, the enterprise of our forefathers. So grew up my love and gratitude for the mighty race of which Alfred was in some sense the founder, and which produced in our Washington a scion from the same root, enriched with the accumulations of well-nigh a thousand years. Every day I see proofs, in the growth of our literature, of a reverent turning to the sources of all that enables us to become in time a people soberly great, and mighty to assimilate and to subordinate all that now seems an adverse element. One does not love his parents less for remembering that they also had a parentage, and that it was such as no man should disclaim.

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How forcibly this was brought to my mind, not long ago, in Westminster Abbey, where, amid its thronging aisles, a procession of church fathers moved slowly up its nave, as great in number as some of the ancient councils of undivided Christendom, but gathered from a geographical universe of which it never dreamed. From our own United States and British America, from both the Indies, from islands under the Southern Cross, from China and Japan—men from the whole round world were there, powerfully impressing the reflecting mind with a sense of what is meant by the world-wide propagation of Anglo-Saxon families and by the universality of the English language. Do Americans remember that this same Abbey, which is the sepulcher of ancient England and of so many of the most worthy of its more recent progeny, was, in some sense, the cradle of American colonization? In those prebendal stalls, in the days of Queen Bess, sat Richard Hakluyt, in his heart and in his prayers presaging all that it was given me to see with mine eyes and to hear with mine ears as there fulfilled. "I do remember," says he, "that, being a youth and one of her Majesty's scholars of that fruitful nursery [Westminster School], it was my hap to visit my cousin, a gentleman of the Middle Temple, at a time when I found, lying upon his board, certain books of cosmography and an universal map." Thus writes the holy Hakluyt, and in an eloquent passage he describes his boyish wonder at the new-discovered lands beyond sea, to which his kindly kinsman directed his attention, predicting that all these lands must one day be filled with the knowledge of the Lord. "Which things of high and rare delight to my young nature took in me so deep an impression," he adds, "that I constantly resolved, by God's assistance, to prosecute that knowledge and kind of literature the doors whereof were so happily opened before me." So indeed he did, never ceasing to stimulate Raleigh and others to the enterprise which established religion and learning at Jamestown, and which, yet earlier, enabled Spenser to salute Elizabeth as "Empresse of Virginia."

What impressed me most in that array, however, was the sight of representatives from New Zealand and Australia; the giant progeny of England, so near the Antarctic pole; nations

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born in a day and enthroned at the confluence of oceans; havens for ships that will transfer to them the future mastery of the seas, and therewith insure the supremacy, in the world at large, of the tongue of England, its literature, its religion, and the inexhaustible wealth of its laws, constitutions, and law-abiding liberties. Let us reflect upon the worth to us of an alliance with such a universal empire. Is statesmanship so barren that none of our public men can point out to our countrymen and make them feel the moral of all this? Do they not see the madness of forfeiting our share in this incomparable inheritance, by making ourselves aliens in Anglo-Saxondom, as if we were "bastards and not sons"? For one, let me at least speak out for my country and for her share in the work of christianizing and enlightening the human race. Nothing less is dependent on her fidelity to her origin, and to her grandeur among the nations—as already the "Greater Britain," if you will—than that she should thus fulfil the prophecy of Berkeley: "Time's noblest offspring is her last."

A. Cleveland Coxe

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THE SHIBBOLETH OF "THE PEOPLE."

I MET, the other day, a young gentleman from the University of Oxford, distinguished, I was told, as an orator at the Union there, who, after a few minutes' conversation, was so good as to inform me that he believed in "the people's gospel—every man to count for one; no man for more than one." Whereupon, in my haste, perhaps, I privately wrote him down an ass, while professing the interest which politeness demanded in the statement with which he had favored me. Probably it would have been kinder if I had so far presumed upon the privilege of additional years as to recommend to him Dr. Johnson's precept, "Clear your mind of cant." At all events, let my readers bear with me if I beg of them to do this; so that we may, if possible, arrive at some clear and rational conception regarding that very common shibboleth, "The people."

I remember that the late M. Scherer once called this phrase "the great enigma of history." But among the many meanings assigned to it, two only, perhaps, need be mentioned for our present purpose. It may mean a nation, as it does when we speak of the English, the French, or the American people. It may mean a particular section of a nation, the most numerous, the least wealthy, and the least cultivated. When used in this latter sense it very commonly becomes a shibboleth, and an extremely effective one too. Thus was it applied when Mr. Gladstone, after delivering himself of his celebrated rodomontade about "the classes and the masses," was enthusiastically saluted as "The people's William." Thus, too, was it used when one of his humbler adherents, distinguished, if my memory is not at fault, as an apologist for mob violence, was dubbed, by a pleasing alliteration, "The people's Pickersgill." In the same spirit, an old woman, on seeing Robespierre led to execution, exclaimed: "*Il aimait bien le peuple, celui-là.*" A hundred years ago, Grattan insisted that "the populace differs much, and should be

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clearly distinguished, from the people." The tendency of political progress, from his time to ours, has been to ignore the difference and to rub out the distinction. Throughout the civilized world the populace is now, to a very great extent, identified with the people. And no wonder, for political power has everywhere gravitated to the populace. The Abbé Siéyès, in that famous pamphlet of his which so largely influenced the course of the French revolution, wrote: "What has the third estate been, till now, in the political order? Nothing. What does it want to be? Something. What is it really? Everything." Oracular words, indeed, and truly presageful of the course of events. What is called democracy, or government by numbers, is an accomplished fact, and universal suffrage is its accepted form. The doctrine which my enthusiastic young friend called "the people's gospel" is, not that this is a kind of polity specially suitable for the age, but that it is the sole legitimate kind of polity, the essential and only right constitution of society, the unique and infallible specific for the healing of the nations.

The people's gospel must on all hands be allowed to possess one merit—it is extremely simple. It is not a doctrine laboriously derived from experience and carefully verified by observation. It is in the strictest sense *a priori*. It postulates that each individual "citizen" is entitled to an equal share of the national sovereignty; and to the majority of citizens—that is, to the representatives of the majority—it attributes supreme authority, in virtue of an imaginary contract whereby the native independence of each equivalent unit is surrendered for the common good. The popular will, that is, the will of the most numerous portion of the adult males—I put aside, for the present, the question of women's rights—is, in this new evangel, the source and fount of all power. And political science is held to consist in securing for it free expression and unimpeded effect.

Such are the essential tenets of the people's gospel. No doubt they are mainly derived from the teachings of Jean Jacques Rousseau—though modified, of course, by the conditions of the time—however little many of their most fervent preachers may be aware of their origin. It is worthy of remark that Rousseau's political philosophy—reprobated by the great

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Liberal Party in England, when it was first promulgated, as subversive of true freedom—inspires the most influential section of that party at the present time. The radicalism of which Mr. John Morley, Mr. Labouchere, and Mr. Bradlaugh are the chief prophets and apostles, is essentially of the Rousseauan type, and is substantially identical with the movement known on the continent of Europe as "the revolution." And now let us consider the people's gospel a little in its theoretical positions and in its practical working.

It is disheartening, in an age which boasts of its enlightenment, to have to point out the untenableness of Rousseau's political doctrine. The fewest possible words must suffice to exhibit the fundamental errors which altogether vitiate it. The unit of Rousseau's speculations is man in a state of nature, that is, in an extra-social state. No such man ever existed, and, had he existed, political rights could not have been predicated of him. These rights presuppose a polity. We may by an effort of the mind abstract the individual from the social organism, and ascribe to him such and such rights. Nay, we must do this, if we would obtain a clear idea of the relations in which rights stand. But we must remember that only in society does the subject or object of rights exist; only in that social fellowship which conciliates might with right and right with might. Again, the true type is not the noble savage of an imaginary past, but the ideal man developed to the utmost by civilization—the man of culture, with his affections, powers, and capacities expanded and disciplined, and with his "large discourse of reason" carried on to the furthest limits. Further, the social contract, which Rousseau made the basis of the public order, is not only a mere fiction, but a direct contradiction of primary verities, historical and philosophical. As individuals exist by nature in and through the family, and as states have arisen by tribal growth, by intermarriage, and in other ways from the family, it is evident that a conscious agreement to found a society never was entered into by individuals hitherto belonging to no society. Man has never lived as a lawless savage. Such an animal would not be man, but something lower. The state is not a conventional institution. There is historical solidarity, there is corporate soli-

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darity, between its members. It is an organism consisting of parts not uniform but diverse, representing various degrees of individuality, fulfilling distinct functions graduated in importance; and all co-operant to the end of the common weal.

But neither Rousseau nor Locke, in whose mechanical philosophy the political ideas of Rousseau are contained and justified, understood the meaning of the word "organism." They conceived of mankind as so many machines, all alike, and of society as an arbitrary or fortuitous concourse of these machines bound together by a contractual tie of self-interest. Moreover, society is an ethical organism. The distinctive characteristic of man, according to Aristotle's most true teaching, is that he is a moral being, having perception of truth and falsehood, of justice and injustice, and the like. And this is as true of the body politic as of the individuals who compose it. To say that the will of the majority makes a thing right or wrong, is a palpable absurdity. Right and wrong are what they are by their own nature. They can as little be made by man as can the properties of the triangle. No man, no number of men, can do more than declare them. The will of the majority ought to prevail only if it is in accordance with right. For the sole "ought" is an ethical ought. The fine verse of Victor Hugo is literally true:

"*Un monde, s'il a tort, ne pèse pas un juste.*"

All this finds no recognition in the new evangel. As little, in its exaltation of the sovereignty of the people, does it apprehend the real nature and limits of human authority. "There is no power but of God," St. Paul taught. "There is no power but of the people," we are now assured. In the older doctrine, authority in a human aggregation was necessarily limited, first, by the idea of inviolate personality, no man possessing the same authority over another as that which man exercises over the brutes; and, secondly, by the fact that it is derivate and fiduciary, the civil ruler being accounted the vicegerent of the Most High. For this august conception, the people's gospel substitutes the material force of numbers. But mere brute force has no power over my will. I am not bound to respect it, even if I cannot help submitting to it.

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So much for the theoretical positions on which the people's gospel hangs. How does it actually work? As Mr. Mill has pointed out, "The will of the people means, practically, the will of the most numerous or most active part of the people . . . the majority, or those who succeed in making themselves accepted as the majority." Who are they who succeed in making themselves accepted as the majority, that is, as the representatives or spokesmen of the majority? Let us consider a little. Two things are required to enable a man to exercise rightly the political power represented by a vote. In the first place, his will should be determined by the public good rather than by his private ends; and, secondly, he should possess a knowledge of that wherein the public good consists. Is it possible to predicate such a will, or such knowledge, of the average voter? Can any candid person aver that Mr. Mill is wrong when, in the preface to the third edition of his "Principles of Political Economy," he dwells upon "the extreme unfitness at present . . . of mankind in general and of the laboring classes in particular . . . for any order of things which would make any considerable demand upon either their intellect or their virtue"? As a matter of fact, the considerations which appeal most strongly to the average voter have nothing whatever to do with intellect or with virtue. The masses are led, not by principles, but by passions; not by reason, but by rhetoric. They are the natural prey of demagogues who know best how to appeal to passions; who, "uttering great swelling words of vanity, while they promise them liberty, are themselves the subjects of corruption." The idols of the multitude have ever been those who have known best how to play upon it by arts to which magnanimous or high-souled men will not stoop. Universal and ungraduated suffrage issues, at its best, in government by mediocrities; but, more commonly, in government by scoundrels. It ostracizes culture, leisure, independence, and all the qualities which specially fit men to legislate for their country. It produces that political indifference among the men of light and leading which is the worst curse that can fall upon a nation.

If I should want a signal instance of what "Every man to count for one, no man for more than one," practically means, the

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days which are even now passing over our heads might supply me with one. I suppose I may take it that in the United States of America this formula has freer course, and is more abundantly glorified, than anywhere else. Its latest outcome is the McKinley act, by which such great alterations are introduced into the American commercial system. Now, to guard myself against misconception, let me state that I am no believer in Mr. Cobden's free-trade nostrum and calico millennium. That weighty political considerations may be urged on behalf of a protectionist policy in America, and, indeed, in most other countries, I am far from denying. That such considerations have really had anything whatever to do with the passing of the McKinley act, no American with whom I have talked on the subject so much as pretends. Here is a measure which impoverishes the largest industry in the Republic, which sensibly increases the general cost of living, which confers upon the President the power of imposing or remitting taxes to the amount of fifty or sixty millions of dollars annually. Such a power is certainly exercised by no European monarch. And what is the explanation of this singular measure? As I am informed, the explanation is simply that it has been devised in order to put money into the already overflowing purses of a gang of monopolists, and has been driven through the two houses of Congress by the most nefarious means. The American party vote, it is explained to me, is controlled by "bosses," who, as often as not, are low attorneys or Irish saloon-keepers. The bosses are the very humble servants of wealthy speculators. In the almighty dollar is the motive power of legislatures and administrations. And so I find Mr. Shearman writing in the January number of the FORUM: "A few men of large wealth control each of the great parties. . . . Republican government . . . is now little better than a form among us."

Gustave Flaubert, in one of his letters to George Sand, remarks: "*Le suffrage universel est, selon moi, la honte de l'esprit humain.*" Certainly a ballot box is a curious idol, not, perhaps, really more venerable than the phallus of antiquity. The one is the symbol of human stupidity, the other that of human passion. Both passion and stupidity are forces with which we must

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reckon, but they are not exactly fitting objects of worship. Still, however false the theoretical basis of the people's gospel, and however foul its fruits, we should make a vast mistake if we should suppose it to be unmixed error. Its very popularity is proof that truth is in it. There is a true sense in its fundamental position, that all men are equal, just as there is a true sense in the Stoic paradox, that all crimes are equal. All men are equal as persons, hence their equality before the law. And from this point of view they are entitled to the same share of political power. In every form of human association there is implied a fundamental democracy. The masters of the mediæval school, whom the publicists of this enlightened age might do worse than to study, taught that the consent of the governed —they do not of course mean "a majority told by head"—is essential to a just law. And the sufficient reason is that the governed are not things, but persons, whose rational co-operation is as necessary to their own development as to that of their fellows. That consent may be explicit or implicit, expressed or implied. Every man ought to be considered in the legislation of a community; and in a high state of civilization, "considered" means "consulted." To talk of a man's natural right to a vote is an absurdity. A vote is but one out of many channels whereby man's natural right to some share of political power may be exercised. Nor is there in a majority an inherent prerogative to command. Can any one suppose that a peculiar sanctity attaches to the will of half the community plus one—to the odd man's volition? The truth is that the conflict of rights in moral beings is a counterpart of Darwin's struggle for existence; and it has often been carried on by the same method of physical force. Civilization substitutes the will of the majority, in one form or another, for an appeal to arms. It counts heads instead of breaking them—a more pacific, if an equally irrational, process. For the struggle for existence, it substitutes the noblest of human ideas founded on the natural kinship of all men. Universal suffrage may, then, be regarded as the expression, in highly-advanced states of civilization, of the equality of all men, as persons, and of their title, arising from that equality, to the like share of political power. And no doubt the partici-

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pation of all in political power ought to prove a stimulant to general patriotism, and to assist in generating an intelligent interest in public affairs.

But the truth that all men, as members of the same species, are equal, cannot exist in isolation from kindred verities, under pain of becoming error. Society is essentially hierarchical. True it is that men are equal, and that therefore every man should count for one. That men are unequal, and that therefore some men should count for more than one, is also true; but this truth is utterly ignored in the people's gospel. That is the master error of most democratic publicists—an error the practical result of which is an unnatural and enforced equality, produced by leveling down. Such equality is in direct conflict with the most sacred rights of human personality, for the rights of the individual are but aspects of his one great aboriginal right to realize the creative thought of his being. They may be deduced—to speak in language that is necessarily crude and therefore open to misconception—from his mights; that is to say, from a consideration of his various faculties, subject always to the proviso that no man has a right to annihilate the rights of others for his own sake. The great, the perennial source of inequality among men lies in the difference of their intellectual constitution and in the difference of intensity of their desires. *Αἰὲν ἀριστεύειν καὶ ὑπείροχον ἔμμεναι ἄλλων* is an aspiration deeply implanted in certain natures, and in it, when united with faculties adequate for its realization, is the primary cause of wealth, the motive power of civilization, the main factor of progress. "It is impossible to form a state the members of which are alike. The parts which are to constitute a single organic whole must be different in kind." So wrote "the master of those who know" two thousand years ago, and his words are as true now as they were then. Society is a conscious organism, composed of conscious individuals. In a general view, the degree of consciousness establishes a hierarchy of individuals. I am well aware that thus merely to state such a thing is not to guard against the abuses incidental to its realization. But the subject is a very large one. I can here point only to a few general principles. In so far, then, as men are in truth equal, they are entitled to

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equal shares of political power. In so far as they are in truth unequal, they are entitled to unequal shares of political power. Justice is in a mean; it lies in the combination of equal and unequal rights. And so the Greek proverb, "Call that which is just equal, not that which is equal just." Universal suffrage is the unit of protoplasm. The protoplasm must be built up into organs. How built up? By recognizing inequalities of fact. The modern democratic principle of "Every man a vote, then let them fight it out"; of delegation from the numerical majority, with a prime minister to carry out the will of that majority; is the lowest form, the *moneron*, of the political organism. That "republic of equals" which knaves preach and fools believe in, would mean, if realized, "the extinction of civilization under the unanimous torrent of brutal hoofs and heels."

To sum up: The truth in the people's gospel is that all men have political rights, natural, inalienable, and imprescriptible; the error is that all men ought to be equivalent in the public order. The great political movement which we date from the French revolution, has done the signal service of inculcating the verity that there is a fundamental democracy in human society. But the sister verity that human society is essentially hierarchical, is equally necessary. There are elements in the body politic far more important than mere numbers; and these cannot be set aside or ignored without a grievous, nay, fatal, loss in the long run. Civilization is bound up with what Mr. Gladstone calls "the classes," and with their tenure of their proper place and special function in the social organism. There are in human life principles of subordination, of solidarity, which must be differently applied in differing ages of the world, but the due recognition of which is essential to the well-being, nay, to the continued existence, of the public order. "If you would found durable institutions," Lacordaire urged, upon a memorable occasion, "write above the word 'liberty,' 'obedience'; above 'equality,' 'hierarchy'; above 'fraternity,' 'veneration'; above the august symbol of rights, the divine symbol of duty."

W. S. Lilly.

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FREEDOM OF RELIGIOUS DISCUSSION.

RELIGION differs from all other subjects, in so far as it appeals not only to the head, but to the heart. And as we do not like to hear those whom we love criticised, or even compared, it is but natural that many people should object to a criticism of that religion which they love, and even to a comparison of it with other religions. But let us ask ourselves, Does this attitude with regard to those whom we love and revere really prove that we have an undoubting faith in them? If we had, should we not rather wish to hear our friends criticised and compared, if only in order to have an opportunity of defending them, and of showing how infinitely superior they are to all others? Why, then, should we not have the same feeling with regard to our religion as with regard to our friends; always supposing that we can give a good account of the faith that is in us, and of the reasons for which we love and revere our own religion? If that religion should come out victorious from the trial and be proved superior to all the rest, surely we should have gained, not lost.

We may go a step further. Our own self-interest surely would seem to suggest as severe a trial of our own religion as of other religions, nay, even a more severe trial. Our religion has sometimes been compared to a good ship that is to carry us through the storms and tempests of this life to a safe haven. Would it not be wise, therefore, to have it tested and submitted to the severest trials before we intrust ourselves and those most dear to us to such a vessel? It is to be remembered that all men, except those who are present at the foundation of a new religion, or who have been converted from an old faith to a new one, have to accept their religious belief on trust, long before they are able to judge for themselves. And while in all other matters an independent judgment in riper years is encouraged, every kind of influence is used to discourage a free examination of the religious dogmas that have been ingrafted on our intellect in its

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tenderest stage. We do not hesitate to send missionaries to Jews, Turks, and infidels, to ask them to examine their own time-honored religions. We attack their most sacred convictions; we wound their tenderest feelings; we break up the peace and happiness of their homes. And yet, if some learned Jew like Mendelssohn, if some subtle Brâhman like Rammohun Roy, ay, even if some outspoken Zulu like Colenso's friend, turns round on us, presses us to explain the Athanasian Creed, or challenges the evidence on which we accept certain miracles, we are surprised and offended, forgetting that with regard to these questions we can claim no privilege, no immunity.

When I say "we," I mean only those of us who have rejected, once for all, the infallibility of every human authority, whether the infallibility of the Pope, or the infallibility of councils, or the infallibility even of the immediate disciples and apostles of Christ. If we have once claimed the freedom of the spirit which St. Paul claimed, "to prove all things and to hold fast that which is good," we cannot turn back and say that no one shall prove our own religion, or that no one shall prove other religions and compare them with our own. We have to choose, once for all, between freedom and slavery of judgment; and though I do not wish to argue with those who prefer slavery to freedom, yet I may remind them that, even in choosing slavery, they follow their own private judgment quite as much as others do in choosing freedom. In claiming infallibility for popes and councils, they claim in reality far greater infallibility for themselves.

There are persons of very sound judgment who, though they fully approve of a comparative treatment of religions, and of the freest criticism of our own religion, still insist that it is wise to keep such studies for the few. They expressed the opinion in the case of "Essays and Reviews," and more recently in the case of "*Lux Mundi*," that such books ought to be written in Latin. Religion, they say, is common property. It belongs by its very nature to the young and to the old, to the wise and to the foolish, to men, women, and children. Unless it fulfills that condition, unless it is open to little children as well as to the wisest of the wise, it ceases to be religion. Now, they say, the technical character of the language which is employed in treatises

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on other subjects restricts their influence to those who can judge for themselves. No one would think of restricting lectures on botany because such lectures might teach people to extract poisons from plants. No one would prevent professors of chemistry from lecturing to large classes because some of their pupils might wish to learn how to prepare dynamite. But while every other subject is thus, by its very nature, restricted to a professional class, we are reminded that a study of religion, or, at all events, an interest in religion, appeals to every human heart, and that a treatment of religion that may be quite harmless, nay, quite legitimate, with advanced students and expert thinkers, may prove very hurtful to younger minds that are not prepared as yet for such strong diet.

Now I know quite well that there is some truth in this. I do not deny even that the use of the Latin language in theological discussions which were likely to prove a stumbling block to the uninitiated, had its advantages. But it is useless to discuss such proposals now. We must learn to accept the times in which we live, and to make the best of them. Whatever is now discussed in academic precincts is preached the next day in the streets, and there is neither palace nor cottage that is not reached by the million arms of the public press. Latin is no longer any protection; I doubt whether it was so altogether even in the middle ages. The discovery of Copernicus (1473–1543) that the earth moves round the sun and does not form the center of the universe, may, indeed, have been kept back for nearly a century, remaining known only to those who could read Latin; but it burst forth all the same in the Italian writings of Galileo (1564–1642), and people soon recovered from the shock, even though deprived of a much-cherished conviction.

Artificial protection of any kind is out of date in the century in which we live, and in which we must learn to act and to do as much good as we can. To expect that religion can ever be placed again beyond the reach of scientific treatment or of honest criticism, shows an utter misapprehension of the signs of the times; it would, after all, be no more than to set up private judgment against private judgment. I believe, on the contrary, that if the inalienable rights of private judgment—that is, of

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honesty and truth—should be more generally recognized, the character of religious controversy would at once be changed. Restriction provokes resentment, and thus embitters all discussions on religious subjects.

I have often discussed this question with leading theologians of our time; I do not mean with men who simply acted their parts on the stage of the world, but with men who were honestly convinced that freedom of thought and freedom of discussion are wrong and mischievous within the sphere of religion, and that they ought to be restrained by authority. One of them declared to me that it had been his lot, during a long life, to read more heresy than any other living man; and he dwelt in the most forcible language on the intellectual and moral abyss into which he had gazed again and again, but from which he had at last turned resolutely away. He considered it his duty for the rest of his life to keep others from the mental agonies through which he had passed, and he would have welcomed any measures by which that abyss could be inclosed, and by which any public discussion of religious problems could be prevented once for all. All I could say to him in reply was that, if such a terrible abyss really exists, it must have its purpose in the world in which we have been placed, like many other things which entail suffering and agony, but which are nevertheless meant to serve a good purpose. To shut our eyes will not remove that abyss, while courage and faith may possibly help to throw a bridge across the dark chasm that seems to separate man from those bright regions for which his heart is always yearning.

Another great theologian used to draw, in eloquent and touching words, the picture of a child sleeping in the cradle and dreaming happy dreams of God and his angels. "Who would wake such a child?" he said. I knew full well what he meant. There is certainly no happier life than a life of simple faith, of literal acceptance, of rosy dreams. We must all grant that, if it were possible, nothing would be more perfect. Nay, I go further still, and gladly acknowledge that the happiest, and not only the happiest but also the best, men and women I have known in this life, were those who would have shrunk with horror from questioning a single letter in the Bible, and from doubting that the

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serpent actually spoke to Eve and the ass to Balaam. But can we prevent the light of the sun and the noises in the street from waking the happy child from his heavenly dreams? Nay, is it not our duty to wake the child, when the time has come that he should be up and doing, and should take his share in the toils of the day? And is it not well that those who for the first time open their eyes and look around should see by their side some who have woke before them, who understand their fluttered looks, and can answer their timid questions?

Now, however excellent the motives of these faint-hearted theologians may be, not only are the remedies which they propose impossible, but it is easy to see that they would prove much more dangerous than the diseases which they are meant to heal. To encourage people, and particularly theologians, not to speak the truth openly, though they know it, must be fatal to every religion. Who can draw the line between the truth that may, and the truth that may not, be communicated? I have known theologians, occupying the highest positions in the Church, who have frankly admitted among their intimate friends that physical miracles are impossible. But they did not consider it right to say so from the pulpit, though to many of their hearers such a confession would probably have been far more helpful than many an apologetic sermon. Unfortunately there exists at present a very wide-spread impression that preachers do not preach all they know, that they will not help others to face the abyss which all have to face, and that they will not open the shutters to let in the light of the sun and the fresh air of the morning which we are all meant to breathe; but that they will keep the truth to themselves—I will not say from any selfish motives, but from fear that it might do more harm than good to others. To all this I know but one reply: Can there be anything higher and better than truth? Is any kind of religion possible without a trust in truth? Surely, he who cannot trust in truth cannot trust in anything, and his religion is vain indeed. If we once clearly understand that restrictions on religious discussions have become perfectly impossible, and that such palliatives as the use of Latin would be simply futile, the question is, What have we a right to expect from those whose duty it is to treat these questions?

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It has always been considered one of the essential conditions of civilized life that the religious convictions of every citizen should be respected and protected against insult and injury. Whether a state should recognize and support an established church, is a question that admits of debate; but what admits of no debate is that the law should prevent or punish any insults offered to individuals or societies on account of their religious convictions. A state in which religious convictions entail civil disabilities, or in which religious professions lead to social advantages, cannot be called a civilized state in the highest sense of the word. Every creed is sacred to those who hold it. The fetich-worshiper who calls on his fetich for food and drink, and chastises it if his prayer is not fulfilled, and the atheist who exclaims in despair, "O God, if there is a God, save my soul, if I have a soul," both hold their belief and their unbelief sacred, and they have a right to see their religious convictions, if not respected, at all events protected against insult. These are no doubt extreme cases, but even in such extreme cases toleration and charity are far more likely to prove efficient remedies than scorn and insult.

When people shall speak in an honest and in a kind spirit, they will understand one another. But for that object it is absolutely necessary that discussion and controversy should be completely unfettered. You cannot have a good fight or a fair fight if you tie the hands of the two combatants, and still less if you tie the hands of one combatant only. What we want are "reverent men, true thinkers, sincere lovers, and earnest inquirers after truth." Reverence alone will not be sufficient, but should be joined with true thinking. True thinking means free thinking—thinking following its own laws, and unswayed by anything else. But even this will not suffice. There ought to be not only loyal submission to the laws of thought; there ought to be a sincere love, a deep-felt yearning, for truth. And, lastly, that love should not manifest itself in impatient and fanatical outbursts, but in earnest inquiry, in patient study, in long-continued research. Men who have passed through these four stages are not likely to give offense to others or to be easily offended themselves.

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I am sorry to have to confess it, but among the many lessons which a comparative study of religions teaches us, there is one that seems very humiliating, namely, that religious intolerance is much more common in modern than in ancient times. I know the excuse which is made for this. It is said that, as our convictions become deeper and stronger, our intolerance of falsehood also must assume a more intense character, and that we should show an utter want of earnestness if it should be otherwise. There may be some truth in this, but it is a dangerous truth. It is the same truth which led the Inquisition to order the burning of heretics because it was better for their souls, and which inflicted in our own times a less violent, though perhaps a not less painful, martyrdom on such reverent men, true thinkers, sincere lovers, and earnest inquirers after truth as Dean Stanley, Bishop Colenso, and Charles Kingsley. Let us see how the problem of toleration has been solved in other religions. Perhaps on this point also a comparative study of religions may have some useful lessons for us. For the difficulty is one that besets all religions. The religion of the young can never be quite the same as that of the old, nor the religion of the educated the same as that of the ignorant. We all know it. Bishop Berkeley was a Christian; so is Mr. Spurgeon; but think of the gulf that separates the two. And yet the object of religion is to serve as a bond between all classes, and to supply a language in which all may be able to join without dishonesty.

The ancient Indian law recognized four stages in the life of every man. The first stage was that of the pupil, which lasted till a man was twenty-three. A pupil had to show implicit obedience to his superiors, and to learn, without questioning, the religion of his forefathers. The second stage was that of the householder, which lasted till a man had grown-up children. A householder had to marry, to earn his living, to bring up a family, and to perform daily sacrifices; and all this again without questioning. Then followed the third stage, that of the dweller in the forest, the *vâna-prastha*, the ascetic. In that stage a man was not only released from his household duties, but his sacrificial observances also were much reduced, and he was allowed to indulge in the freest philosophical speculations—speculations

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which often ran counter to the ceremonial system of the Brâhmans, and ended by replacing religion altogether by philosophy. The last stage was that of the hermit, who withdrew himself from all human society, and who willingly went to meet his death, wherever he could find it.

To us it seems difficult to understand how a religion not only full of different shades of thought, but containing elements of the most decidedly antagonistic character, could have lasted; how the dweller in the forest should not have looked down on his son who performed sacrifices which he had surrendered as useless, nay, as mischievous; how the son should not have scorned his father, who had exchanged his belief in the gods or *devas* for a philosophy that taught the existence of something higher and better than all these gods. And yet this system seems to have answered for a long time. Recognizing the fact that the mind of man changes from childhood to old age, it allowed the greatest freedom to old age, provided always that old age had been preceded by the fulfillment of all the duties of the *paterfamilias*, and by a submission to the discipline of youth.

I do not say that we see here the best solution of our problem. I call attention to it only as one out of many solutions based on the principle of toleration for those diversities of religious faith which are inevitable so long as human nature remains what it is and what it always has been. It may be that no society can exist without different classes. Our own society, at all events, as it has grown up during thousands of years, cannot exist without them. I do not think so much of classes differing from each other by wealth or title, as of classes differing by education, and consequently by culture and intelligence. It is impossible to expect that these divers classes, differing from each other so much in their education, their occupations, their manners, their tastes, their thoughts, and their language, should not differ in their religion. It is the ignoring of this simple fact which has wrought so much mischief. It has led to hypocrisy on one side, and to an unreasoning dogmatism on the other.

I know there are some who hold that, however much people may differ in other respects, they are all alike in religion. We are told that the faith of the child is as good as that of the

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sage, and that an ignorant old woman, who cannot even read her Bible, may be a far better Christian than a young curate who has taken a first class at Oxford. It is the old story of the use of words in different senses. So far as practical religion goes, so far as doing good is concerned, no doubt many a poor widow who throws in her two mites is better than the scribes and rich men who cast their gifts into the treasury. And who that ever saw an innocent child dying—stretching her arms toward angel faces above, and giving her last look to all whom she loved on earth—can doubt that of such is the kingdom of Heaven? But we are speaking of something quite different, though it is called by the same name. We are speaking about the beliefs of cultivated and highly-educated men; about the conceptions that they form of the Deity, of the relation of the human to the divine, of the true meaning of revelation, of the true nature of miracles, and of the historical character of their sacred books. All these are questions which hardly exist for millions of human beings, and of which they need not take any cognizance at all, but which, nevertheless, to those for whom they once exist, are questions of the deepest import. On these questions we must claim the same freedom which even the most orthodox of Brâhmans allowed to their fellow creatures. Only, we must claim it not only for the aged who retire into the forest, but for all whose minds have been awakened, and who mean to do their duty in this life. I know how strong a feeling there is against anything like a religion for the few, different from the religion for the many. An esoteric religion seems to be a religion that cannot show itself, that is afraid of the light, that is, in fact, dishonest. But far from being dishonest, the distinction between a higher and a lower form of religion is actually the only honest recognition of the realities of life. To a philosophic man religion is a spiritual love of God, and the joy of his full consciousness of the spirit of God within him; but what meaning can such words convey to millions of human beings? These, nevertheless, want a religion—a positive, authoritative, or revealed religion—to teach them that there is a God, and that his commands must be obeyed without questioning.

Do not think that this appeal for freedom of conscience comes

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from the educated laity only. The educated clergy are sighing for it even more. Let me quote the words of one who has expressed what I wish to say far better than I can hope to express it, and whose right to speak on this subject can hardly be questioned—I mean the Rev. James Wilson. He writes:

"I say at once that we, educated Christian men, have a distinct duty to perform in this direction, always remembering the great law of charity. I think that the church ought to provide meat for her strong men, as well as to secure that her babes shall get milk. One of our failures is in this duty. I do not think that it can be denied that the popular Christianity of the day, whether among priests or people, in church or chapel, is for the most part far less tolerant than is the spirit of Christ, or of St. Paul, or of the great minds among Christians of all ages. That it should be so among the people is for the present unavoidable. It ought not to be so, and it need not be so among the educated laity and clergy; and they ought not to permit the intolerance of ignorance to pass unchecked, as it often does. We clergy ought to stem the tide more bravely than we do, and we ought to have done so in time past. We, as a rule, regard differences of opinion on speculative questions, and even on the terms in which we choose to present them, as very serious matters; and we expect old and young, philosophers and simple men and women, to accept unquestioningly the same terms. I think this is wrong. I do not at all think that this is the mind of Christ. Much may be done to claim for more abstract and philosophic views, and especially for all views that profess to rise directly from the study of facts and to promote rightness of conduct, a place within the recognized boundaries of the Christian church."

Then, after dwelling on the value of the discipline of established forms, he continues:

"Why should we fail to recognize the fact that man ought to grow, and does grow, not only in stature and in favor with God and man, but in wisdom also? No church is honest which does not recognize that fact, and which is not anxious to secure a place of safety, nay, of honor, to those who have grown in goodness, and wisdom, and understanding in the gifts of the Spirit, and have thus attained to a truer insight into the nature of religion than can, for the present at least, be reached by the majority of educated people. A church which declines to recognize the right of the few who are "fond of wisdom," not only to be tolerated, but to be respected, must become stagnant; and if it actually encourages the ignorant intolerance of the multitude, if it identifies itself with the narrowness and exclusiveness of the uneducated or half-educated masses, it will drive its best champions into silence, and many who under proper guidance might have fought a good fight and done noble work for the church, into atheism, or what is still worse, into hypocrisy. . . . When the few cease to differ from the many, we may have uniformity and peace, but we may also have dishonesty and

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death. When the few are respected by the many, we may hope to have again in the church a true spiritual, that is, intellectual, aristocracy—a small heart throbbing within, but giving life and strength to the large body of Christian people without."

I have quoted this passage, not only on account of the authority which justly belongs to Mr. James Wilson as a theologian, but because of his unrivaled experience as a schoolmaster. There is, I believe, no argument that appeals so strongly to every heart as that connected with the dangers that may arise if the faith of the young be undermined. Who does not remember the words of Christ: "And whosoever shall offend one of these little ones that believe in me, it is better for him that a millstone were hanged about his neck and that he were cast into the sea"?

I quote once more from the headmaster of Clifton:

"I have said that the childhood of the individual is like the childhood of the race, and that, therefore, the education of the one will follow the lines of education of the other. And this is true, but with some important qualifications. The child of the present century is not in all respects like the man of a bygone century. The child may pass very rapidly through the elementary stages, and we do him positive injury—we dispose him to reject religion—if we prolong these stages artificially; for in that case we make him identify religion with that which he will grow out of. Further, as education advances, this transition will inevitably become more rapid. It is more rapid now than most people think. . . . I feel sure that, as a rule, religious teachers postpone the higher teaching too long."

Nothing, I believe, is so dangerous to the healthy growth of a child's mind as the impression that his parents and teachers are withholding something, or are not quite honest, when they speak of the Bible. The fact that children ask such perplexing questions about miracles in the Bible shows that their minds are awake, and that everything is not exactly like what it ought to be. The human mind, and more particularly the child's mind, is so constituted, I believe, that it cannot take in more than it is prepared for. If any one should say to a little child, who had just repeated the Lord's Prayer, that Heaven is not the blue sky, the child would listen, but would turn up his hands and his eyes just the same to the clouds above. I have often wondered what passes in the mind of a young man when he looks for the first time at his "Articles of Religion," and reads in the very first article that God is a being without body, without parts, and

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without passions. Can he take in what this theological formula implies? The formula may be quite right in its negative character, and as a warning against too human a conception of the Deity; but when we try to realize it with all its positive consequences, it is far beyond the reach of any human understanding. For what would remain, if we should deduct from our early conceptions, or rather imaginations, of God, everything that we call body or shape, everything that we call parts or distinguishable elements, everything that we call passions—not only wrath and indignation, which are so often ascribed to God, but likewise pity and love, which are passions in the true sense of the word, but which we can never separate from our ideal of the Godhead?

My impression is that a boy's mind is not affected by any of these difficulties till his understanding has grown strong enough to grapple with them. Though he should repeat the assertion that God is without body, parts, and passions, he would never think of him as without those loving and pitying eyes without which God would be to him an eyeless and blind idol, not a living and loving Father. The minds of children, and those of grown-up men and women too, are protected against these dangers till the time comes when they are strong enough to face them, strong enough to reason, and strong enough to say that the words of the article must be taken in a negative sense, not in a positive one, and that, though we may deny that God has body, parts, and passions, we can never form any positive conception of him according to this formula.

It may be quite right to guard against dangers, whether real or imaginary, so long as it is possible; but when it is no longer possible, I feel certain that the right thing is to face the enemy bravely. Very often the enemy will turn out to be a friend in disguise. The use of Latin in all theological discussions would be a mere sham defense, and any restriction on free discussion would provoke a resistance ten times worse. In writing on religion, even on natural religion, we must turn neither to the right nor to the left, but look all facts straight in the face, to see whether they are facts or not, and if they are facts, to find out what they mean.

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FORMATIVE INFLUENCES.

WHEN I promised the editor of the FORUM to cite some of the influences which have been the most powerful in shaping my character and energies, I did not appreciate the difficulties in my way. Memory is a precious guide into the realms of the past, but it is unruly, choosing its own lines of travel and loitering in pleasant places at its own sweet will. It does not incline to explore the whole life at one's bidding, or to furnish the delicate shades of color with which to present its discoveries intelligibly to the reader. It leads into rich fields, but instead of harvesting the gems for exhibition, it proceeds to demonstrate with convincing logic that the career of an individual and the special character of a life work are the results of a vast combination of subtile forces acting together.

The child of Puritan parentage, bred in a well-ordered family where educational, religious, and political affairs were familiar topics of conversation, and trained in the schools of a community that frowned upon ignorance and cherished a solid intellectual purpose, must necessarily trace the first impelling, if not determining, formative influences to such sources. If I should write my autobiography, I should be compelled to admit that my child life appears of peculiar interest as it looms up before me in a brief survey. I was reared among older people, in a household where I had no companions of my own age except as occasional invited guests, and I learned, almost as soon as I could talk, to amuse and to entertain myself, often by listening with undivided attention to animated discussions on a great variety of abstruse themes. I absorbed unconsciously habits of thinking and of formulating my own opinions, and frequently surprised my parents and their friends by suddenly appearing before them, in the midst of an exciting argument, to explain and soften what I conceived to be unnecessary differences of belief. In such cases I always had a polite and attentive audience.

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My father was very tender in his treatment of me, and from first to last encouraged the full exercise of my reasoning powers.

Among the chief links in the chain of formative influences which have been moving powers for good throughout my literary life, I should mention the excellent schools in which I was trained. I was an irregular attendant while I was from five to seven years of age, and regarded the privilege as one of my sweetest pleasures. As time rolled on I never knew the sensation of being sent to school, but always supposed that I went from choice, and my grief was immoderate when the conditions of weather or health obliged me to remain at home. I was fond of study, found nothing irksome in it, and from the beginning to the end of my school experiences was generously indulged in my inclinings, to the extent of being allowed to take up any branch of learning that I pleased, and to enter any class of older pupils, provided I could master the lessons and keep abreast with credit in recitation. I recall, for instance, a swift transit that I made from the class in mental arithmetic to that in written arithmetic, at my own option, soon after my seventh birthday, which first revealed to those about me my natural predilection for mathematics. I was registered in both classes, very likely as a curiosity, but my progress and my tastes in that line of study were subsequently fostered by nearly every teacher under whose instruction I was placed. Perhaps the attention then paid to discipline in mental arithmetic was the primary cause which gave an impetus to my development.

The one teacher who, more than any other, propelled me in the direction of mathematical acquirements—which I regard as having been one of the greatest of helps in my historical writing—and whom I shall always remember with profound gratitude, was George M. Burgess, who afterward became a noted physician. He took the measure of my tendency, cultivated it by giving me extra and special lessons in mathematics, and encouraged me to rush ahead irrespective of classes. His own love for the science undoubtedly had much to do with his methods, but his teaching was so thorough, chiefly while I was between nine and thirteen years of age, that when, later on, I entered the Williston Seminary, at Easthampton, Massachu-

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setts, I was assigned, after examination, to the most advanced classes in algebra and geometry, and not only kept pace easily with young men who were my seniors by several years, but carried off the prize at the first commencement. In the little country school this same teacher directed some of my earliest lessons in composition. Prior to coming under his tuition I had evolved from my inner consciousness—whatever that might be in an uninformed child—a variety of crude essays and verses, some of which, before learning to write, I had traced upon paper by printing out the words with a pen. I was delighted with the practice of composing, in which every pupil, from the oldest to the youngest, was presently drilled. Our productions were laughed at, criticised, and commended; but in whatever light they were viewed, we were always inspired to try again. The master brought out and systematized such talent as he perceived, and taught the child how to utilize it. He introduced many novel exercises, one of which I remember with more than ordinary interest, as I never met with it elsewhere. He selected a few words that had no possible bearing upon one another—from eight to a dozen usually—and as he recited them to the class these were written swiftly by each pupil at the top of a blank page, for reference; then, without a second for thought or preparation, and in a limited number of minutes, we were required to construct a paragraph, including every word named, which should make good sense.

It was during this period of my school life that my passion for reading was brought into harness, so to speak. Hitherto I had seized upon such books and papers as were most accessible, and my mind was crowded with a vast accumulation of miscellany. No flood of children's literature had then devastated the country. I had never seen a book written expressly for a child, except those at our Sunday school, which failed to interest me. Poetry was my delight. Numerous little antique volumes in the household library, including Watts's hymns and Pope's "Essay on Man," were literally worn out in my small playhouse under the sweet apple tree in the garden, where, reclining on the grass in the bright Summer sunshine, I could pore over them by the hour undisturbed. But a new light dawned in my

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horizon when I was called upon at school to recite Halleck's "Marco Bozzaris," memorized long before, and its beauties suddenly were made clear to me. The poems of Tennyson were then in everybody's hands, and from "The May Queen" to "The Princess" I had already found my way. I had also pried into Chaucer, Shakespeare, Wordsworth, Cowper, Spenser, Burns, Southey, and Campbell, and had read the greater part of Milton's "Paradise Lost," Scott's "Lay of the Last Minstrel," and Byron's "The Prisoner of Chillon." What portion of all this would have remained in my memory and proved of any permanent advantage, I know not, if the teacher had not unpacked the mass and re-arranged it in good order. Extracts from these poetical works, and from many others, were turned to profitable account as reading lessons, and many of the gems of the great poets were recited in concert by the whole school.

My first romantic love of nature was awakened by the poems of William Cullen Bryant, then in the zenith of their popularity. There was something tangible in the pictures that he drew; his themes pointed out the charms of the woods and the mountains and the fields, which were all about me—before my eyes on every side. The distinguished poet was our neighbor, or, to be more exact, his birthplace was on a picturesque hillside in sight of my own birthplace, and he usually came to the old homestead every Summer. When a boy, he attended school with my father, and I had asked so many questions about how he looked in his youth and what he said and did, that I almost fancied I had actually seen him write "Thanatopsis." His "Monument Mountain" was one of our special school recitations, and I was never satisfied until I had visited the ragged precipice which suggested the production. His "Forest Hymn" and "Song of the Stars" were as familiar to me as the alphabet; while "The Death of the Flowers" brought vividly before my vision Bryant's beautiful sister, whose rare loveliness I had often heard described in our family circle, and to whom he refers as

"The fair, meek blossom that grew up and faded by my side."

Professor Burgess was a classical scholar, fresh from one of the notable colleges of the country, and ere long had formed a small class in Latin, of which I was a voluntary member. He

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smiled when I asked permission to join it, and told me how dry and tiresome I should find the lessons. But I was resolute, and he did not object; and I have no recollection that his predictions proved true. In the mean time the ordinary branches of a child's education were by no means neglected. Geography in particular was taught in the most interesting fashion. The rudiments of drawing were brought into service, and prizes were given for the best outline maps of States that could be made at a moment's notice upon the blackboard. Very little attention, I am sorry to say, was paid to history, and yet we were guided through the tales of Peter Parley and taught some useful statistics about the early Indian wars in America. I learned the story of the Revolution from the lips of my grandfather. As in many another school of later date, it was esteemed much more advisable to instruct in the whole range of English literature than to look after the affairs of our own country.

Works of fiction were not at that day permitted a place under our Puritan roof, and although I had seen Cooper's, Captain Marryatt's, and Sir Walter Scott's novels, and the works of Washington Irving, occasionally in the houses of friends, I had not yet learned the nature of their contents. But there came a time one bright morning when I flitted away to school with a strange-looking, unbound book hidden in my sachel. I had surreptitiously borrowed it from my brother's table, where he had left it by accident. It was "The Scottish Chiefs," by Miss Porter, a work that was destined to create within me a new want, and to turn my thoughts to the reading and study of history. Turning points in life are not always mere accidents, and I cannot designate this simple event as really a turning point, but its influence is still with me. I read the book by stealth, concealing it under my text book during school hours, when my quiet attitude led my teacher and others to suppose I was absorbed in study. The book opened to me a bewildering view of gorgeous castles among the grand cliffs of beautiful mountains, with Gothic arches, central towers, and circular flanking ramparts of stone; and of handsome knights in armor, literally iron-clad, with hosts of followers, prancing about the Scottish country on fine horses at all times and seasons, with their long plaids streaming in the

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wind. The story introduced me to an age when danger was the pastime and arms were the occupation of the European nations, and when gray hairs were seldom seen under a Scotchman's bonnet. Sir William Wallace, as described in this novel, was less than twenty-five years old, but a man of gigantic frame, larger even than Washington, and of great personal beauty and magnetism. He was a marvelous and magnanimous hero, as I found him, and my wonder was that I had never heard of him before. I immediately started on a crusade into the past, in quest of more knowledge. In exploring my father's library I found upon the top shelf two dilapidated volumes of ancient date, entitled "The History of Scotland," which I brought down in much excitement and examined with the greatest care. They were poorly printed in old-fashioned type, and from their appearance probably had not been opened in a generation. But I eagerly read them, from cover to cover. They were intensely disappointing books, dull and commonplace, telling me very little about Sir William Wallace, for whom I was searching; yet they increased my appetite for further information, and taught me forcibly the great truth that we draw all our learning from the past—that to-day is the pupil of yesterday, this year of last year, and that drop by drop the activities of each successive year are distilled from the experiences of the centuries gone by. Henceforward I sought historical books on all occasions, until the pursuit became a fascination. I was naturally at first interested in Scotland. I shall never forget the singular impression made upon my mind by perusing "The Life of James V.," upon which was founded the historical novel "Jane Seton." I soon had in my hands the story of the unfortunate Mary, Queen of Scots, which led me with celerity into England's history. I was so fortunate as to discover, here and there, odd volumes which I could borrow—there was then no public library within my reach—and ere very long I had faithfully traced the English chronicles from Julius Cæsar to Queen Victoria. In the mean time I had learned something of old Rome, and I could not rest until I had tripped through her printed history. There was not a country in Europe to which I was not similarly drawn, and whose history I did not secure, in one way or another, for perusal.

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In this historical reading I had very little help or sympathy, either at home or at school. Both parents and teachers seemed to look upon it as a mere matter of childish fancy that would soon wear itself out. I encountered many works of a different character, while hunting for histories, which I did not omit to read. Sometimes it was a novel which I would enjoy in secret, then a work of travel or a poem. I read Irving's "Knickerbocker's History of New York" twice, and wondered how much of it was true; and among the American stories that fell in my way and captivated me for the time were Paulding's "The Puritan and his Daughter" and Kennedy's "Horseshoe Robinson," the latter of which I should like even now to read again, if I could find it. My opportunities for reading were greatly facilitated by the isolation of our home, and the consequent absence of distracting diversions. We were near enough to the metropolis to partake of its literary culture, and sufficiently remote to escape its dissipating wastes, while the atmosphere acted like a tonic in stimulating intellectual industry.

In my subsequent experiences in educational institutions I seem to have been conducted by the same or by a similar momentum, constantly broadening, it is true, but diverging very little from the current of my apparent destiny. Mathematics was given the first place in my curriculum every time, for there was always more in the science that I wished to learn. Then followed the languages, in which I became greatly interested, and philosophy and English literature; after which I was agreeable to any other pursuit that the teacher might suggest. History—as jotted in my little note book—was "to be read at my convenience, as my own private affair." American history was not then in my mind apart from general history. It was long after I had left school before I discovered its manifold and picturesque attractions, and became impressed with its singular neglect by educators.

When, finally, in the drift of remarkable events, I found myself engaged in the production of an historical work of great magnitude, having for its subject an American metropolis and one of the most important cities on the globe, I recognized my early attainments as my strongest pillar of support. My work was issued in parts of forty-eight pages each, that it might have the benefit

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of the judgment of intelligent readers and critical scholars upon each successive portion; and I was earnestly and anxiously asked how I was to treat of the complicated problems involved—such as the rise of churches, newspapers, schools, charities, and all the other institutions which go to make up a great metropolis, with correct pen pictures of public characters, manners, customs, social life, and political disturbances in the various eras—in a clear and comprehensive style that should be well balanced throughout. It was apparent that no theme must be given more space than its relative importance deserved, and that I was expected to infuse life and color into every paragraph, and to hit the happy medium between the dull repetition of details and the indulgence of fancy. I had undertaken to introduce biographical sketches and family history into the narrative of public affairs, which no American historian had hitherto attempted, and my material was to be drawn from innumerable unknown sources. I was pledged to unravel the tangled and obscure threads of New York's early history while it was yet a little Dutch town; to present, step by step, its growth, its early boundaries, its material aspects; and to show clearly the gradual development of the enormous commercial interests which have changed the whole face of a continent. I was also deftly to reveal the relations that existed between this country and England, France, Holland, and Spain during our entire history. "Even if you are able," was the pressing inquiry, "to carry out your ideas of minute research, how will you acquire the art of exact discrimination?" The question was one that could be answered by deeds much better than by words. If I had acquired the gift to accomplish what was desired and expected of me, it was certainly due in a large measure to that preparatory training unwittingly inaugurated in my infancy. The subtile power that regulated my sense of proportion, enabling me to distinguish the essential from the non-essential in the grave problems with which I had to deal, and which definitely contributed to my habits of concentrated attention, was easily discoverable in the principles of mathematics, which by many in my school days was considered a most useless acquisition.

It must be borne in mind, however, that when we look for

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formative influences, no one can properly be considered alone. It is the union of many that produces satisfactory results. But for my acquaintance with European history, obtained when my mind was in a receptive condition, mathematical science would hardly have influenced or promoted any practical achievement, for I should never have sufficiently understood and appreciated the peculiar character of my own country to have ventured into its history. Then, again, my varied reading, especially my study of the poets, brought me into intimate relations with the growth and expansion of American literature, and acted an influential part in shaping my literary and historical tastes. It brought me into contact with the great facts of life as revealed in human experience, and furnished the mental exercises requisite for healthful and symmetrical development. It would be impossible to state which of all these several formative influences exerted to the greatest degree the secret power that held me devoted to my chosen field of research for fifteen well-rounded years, without variableness or shadow of turning. There was an irresistible charm somewhere, for I had not foreseen the magnitude of the work that I was to perform. The structure became a matter of growth instead of architecture. And the educational influences behind me seemed to increase in magnetism and vitality as I drilled the raw material into order.

I ought, perhaps, to speak of the special influence for good that has come to me through the discipline of the work itself, although I am aware that the outlook toward the far past is the chief concern of the present series of papers. The formative influences of my life were realized in the volumes to which reference has been made, but they have reached into my subsequent work as an editor and an author with even greater force and significance. Together with the education which practical experience provides, they have helped me into a loving friendship for our whole vast and beautiful country; they have widened my views, enabled me to look upon all sides of a subject, and inspired me to keep my mind ever open to fresh discoveries and enlarged possibilities in the direction of historic truth.

MARTHA J. LAMB.

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A NEW POLICY FOR THE PUBLIC SCHOOLS.

SOCIAL problems are raised as frequently by insensible and unobserved changes in existing conditions, as by a clear forecast of the principles involved in them. An example in point is public instruction in the United States at the present moment. Our public schools are apparently prosperous, and command the same popular interest as in previous periods. There has been some stir in the popular mind concerning them during the last year, but hardly an apprehension of coming disaster. Yet the facts in the case should lead us to anticipate the need of a change of policy in the somewhat near future. A very considerable number of private schools in the several States have always been engaged in primary work. These have more or less weakened and disparaged public schools. In some States intermediate instruction and collegiate instruction have been largely in the hands of religious bodies. The feeling has prevailed in many churches that each denomination should provide for itself higher institutions of learning suited to its own sense of fitness. Yet the limits of this private effort have been narrow. The public system has not been seriously embarrassed by it, and has had no occasion to expect determined or extended attacks.

For some time past, however, some churches, more particularly the Roman Catholic and Lutheran, have been occupied with a systematic and extended effort to place the children of their households, as far as practicable, under instruction of their own providing. It has been stated in the FORUM* that the parochial schools of the Roman Catholic Church now include more than 600,000 children, while those of the Lutheran Church, in Wisconsin alone, embrace 20,394. So widely-sustained a method of private training, by which the public schools are displaced, promises to bring far more serious embarrassment to our public method than any which it has hitherto encountered.

* December, 1889, p. 380.

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Several events have recently occurred which indicate the nearness and the character of the coming strife. Some time since, certain Roman Catholics in Edgerton, Wis., brought a complaint against a district board for allowing the reading of the Scriptures in a public school. By the first adjudication the board was sustained. The case was then carried to the Supreme Court. That court decided that the use of the Bible in the public schools of Wisconsin is inconsistent with that clause of the State Constitution which forbids "sectarian" instruction. A somewhat similar question is now before the courts of Illinois in connection with the opening religious exercises in the State university at Champaign. The decision of the Supreme Court of Wisconsin has drawn out sharp criticism, and will serve to widen the division between public and private schools. It will tend to modify the instruction in the former somewhat unfavorably, and will be thought to affect it far more unfavorably than it actually will. The weakness of public instruction is in its want of moral vigor, and this decision will seem to many to enhance that deficiency. It will be difficult, if not impossible, to separate vigorous moral influences from the spiritual inspirations with which they are associated in the community, and to employ them effectively in this mutilated form. The Roman Catholic and Lutheran Churches will be greatly strengthened in their assertion of the irreligious character of public schools, and other denominations, already sharing the feeling in reference to collegiate work, will be led to extend it to the lower grades of instruction. This decision will tend to enhance the very evil which gives rise to it, and to make our public schools increasingly secular. Thus a real weakness may readily grow out of an imaginary one.

A second more significant event in Wisconsin has followed this first discussion. At the last session of the Legislature a law was passed, without opposition and with no division of political parties, renewing the requirement that each child between the ages of seven and fourteen years shall attend school not less than twelve weeks in each year, and declaring as follows:

"No school shall be regarded as a school, under this act, unless there shall be taught therein, as part of the elementary education, reading, writing, arithmetic, and United States history, in the English language."

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This ground had been covered by previous legislation, but the laws had not been enforced. The conditions are somewhat peculiar in Wisconsin, though they are shared by most of the northwestern States. Not only is there a large percentage of Germans, Scandinavians, and other foreigners in the population, but considerable sections are occupied by them almost exclusively. Customs, institutions, and methods of thought have thus been bodily transferred to the new State, and no opportunity has been given to modify or to soften them by an interfusion of native citizens and American sentiments. The Lutherans in Wisconsin, like the Puritans of old, have built their churches on the hills, and by virtue of extent and solidity of immigration they dominate the surrounding regions. These conditions in some communities give little or no room for public schools; in other communities they greatly reduce the attendance on them, or impart to them something of the character of parochial schools.

The Lutheran parochial schools in Wisconsin number 396 and contain 20,394 scholars. To these are to be added 264 schools and 36,271 scholars under the direction of the Roman Catholic Church. The language used in the Lutheran schools is very frequently German, often German and English, and only in a minority of cases English alone. Direct instruction is given in the English language in a portion of these schools, the time occupied by it varying from two to twenty hours each week. In 145 of them no instruction in English is given, though a larger or smaller proportion of the scholars attend the public schools a part of the time. In a few schools not only is German used exclusively, but no instruction is given in English and none of the pupils attend the public schools. These statements are made on the authority of a pamphlet by Christopher Koerner, of Milwaukee. It opposed the Bennett law, and its statistics were taken from the reports of the Lutheran Church.

It is not surprising that, attention being drawn to this state of facts, considerable interest and solicitude were excited in the minds of a few. The result of this feeling was the Bennett law, which, however, in no way interested the public mind during its passage. The vigorous opposition that it soon received from the Roman Catholic and Lutheran Churches was unexpected. Gov-

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ernor Hoard, with a good deal of ardor, early espoused the law. In April last he addressed the Teachers' Association at Waukesha, commending the act in its compulsory features. He said:

"The number of those who are reported as attending the public schools twelve weeks or more is 210,077. This leaves 73,979 who did not attend the public schools twelve weeks or more during the past year. The reports concerning the number who attended some private school twelve weeks or more during the past year are very meager and unsatisfactory, but up to the time when these figures were obtained the number reported was 24,319. This would leave 49,660 between the ages of seven and fourteen who did not attend any school last year. To allow for mistakes, we cut the number down to 40,000. There they stand; an army of ignorance growing up in our midst, denied, by cupidity and bigotry combined, the privileges of even the free schools of our State. A large proportion are purposely kept in this condition. . . . I know of an instance in Jefferson County where a young man, twenty-six years of age, has lived all his life within sight of a district school, yet he has never attended the school, and is unable to make himself understood in English. He has attended the church school and can read and write in German."

Roman Catholics and Lutherans were deeply dissatisfied with the law and desirous to secure its repeal or to render it inoperative. The Republicans took up with much reluctance the issue thus brought forward, as it was likely to alienate a large number of Germans. They gave, in their platform, a very uncertain sound, seeming to sustain the law and yet to deny in application the principle on which it rested. Nor were the Democrats much more consistent. They affirmed the general principle of compulsory education, but bitterly attacked the law. The result of the campaign was a disastrous defeat of the Republicans. Though the last election was to the Republicans a deluge—and when there is a deluge there is always water enough to drown a party—the particular weight which Republicans in Wisconsin most immediately felt about their necks was the Bennett law. Neither of the great parties in Wisconsin is likely, therefore, for years to come, to be in haste to champion the principle on which the Bennett law rests. Nor will previous laws of like import be effectively enforced. A party which is to espouse compulsory education in Wisconsin must have an appetite for a public duty well done at least equal to the appetite for office.

A somewhat similar series of events has occurred in Illinois,

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though in a less pronounced way. A compulsory law, which went into action during the present year, came to the front in the last political campaign. Both parties gave it consideration in their platforms. Their statements had the same general, yet doubtful, character which belonged to the party announcements in Wisconsin. The Republicans pronounced in favor of compulsory education, but reduced the force of the declaration by subsequent concessions. The Democrats called for the repeal of the compulsory law, but indicated a kind of compulsion that they were willing to support. The following pledge was offered to candidates for the Legislature by the German Lutheran and Evangelical school committees:

"I, *the undersigned, if elected to the Thirty-seventh Legislature of the* State of Illinois, do hereby pledge myself to make all lawful efforts toward repealing the compulsory school law approved May 24, 1889, and now in effect; or toward so revising it that said law will not interfere, directly or indirectly, with parental authority over the child in determining the means and extent of its education, will not prescribe a certain school or class of schools where it shall be educated, will not restrict religious liberty in any form, and will not leave parochial or private schools subject to State supervision or control."

Conditions very similar to those in Wisconsin are present in Iowa, Minnesota, and other north-western States, and will naturally lead to similar adjustments. The politicians, prior to the recent disaster, were very reluctant to take up the school question in Wisconsin, and, taught by that defeat, they are likely to give "the little red school house" a wide berth. It will go floating down the tide, shifting for itself, with such good fortune as the better sentiments of the better citizens may bring to it.

In these events, which are of a far-reaching character, we see the occasion and the demand for a change of policy in public instruction. The nation, as a whole, has not lost faith in its public-school system. It has been inclined rather steadily to extend it and to support it by all needed legislation. Especially has there been an inclination toward compulsory attendance on primary instruction. If the maintenance of these schools is forced on the tax-payer, it is felt to be but fair that the use of them by those for whom they were established should also be obligatory. A large percentage of those who most need these

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public schools, and with whose training the safety of the public is most immediately associated, are liable, by the negligence of parents or by truancy, greatly to reduce or wholly to waste the advantages which the public has provided for them. Carefully-guarded and moderate coercion, therefore, has come to be, considering the increase of alien and irresponsible citizens, a natural, if not a necessary, step in completion of our educational system. We are not willing that the system itself should be weakened by the very extent of the ignorance which demands it. But if education is in any degree to be compulsory, it becomes necessary, since private schools and public schools exist side by side, to define not merely the amount of attendance required, but also the sort of instruction which shall accompany it. The public is interested in a certain kind and measure of knowledge, and not in the external performance of an act. If, therefore, the public prepares to insist on education under its own definition, even in a limited degree, the private schools, which are widely displacing the public schools, must stand in some recognized organic relation to them. We have hitherto partially accepted this connection in one direction, but we have steadily overlooked it in another. Wisconsin, for example, in the last conflict, attempted to define within narrow limits the course of study which would be accepted in private schools in place of public instruction, and yet was conceding to these schools, as regards support, no place whatever in its general system. Not only must the parochial school be sustained at the expense of those who establish it, but its supporters must also pay their proportion for the maintenance of the public schools, even when the work in their own school is accepted by the public as a just equivalent of its own work. This gives us, using language broadly, taxation without representation. The support of two sets of schools is thrown on the conscientious tax-payer, and he is told that his redress lies in giving up a method to which his convictions have led him.

This public policy was bearable when private schools were comparatively few in number, sporadic, and indicative of no decisive division in reference to moral and religious training; when no compulsion was in force and no definite terms of substitution were accepted. Now, when religious instruction is

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coming to be distinctly disclaimed in the public schools, when private instruction makes this disclaimer a ground of its own existence, and when parochial training is first defined and then accepted in place of public instruction, this policy assumes the appearance of extended and glaring injustice. It can be resisted, and has been resisted, on the ground that it infringes personal liberty—the liberty to order one's own innocent action at one's own cost, in one's own way. "We maintain our own exclusive right to teach our own religion to our own children, in our own schools, at our own expense, in our own native language, if we choose."

The underlying principle which sustains the public in its interference is thus covered up and lost sight of in the unfortunate circumstances of its application. This principle, that it may not bear the appearance of tyrannical intermeddling, should be accompanied by the principle that all instruction which is accepted in place of public instruction shall have the same rights as public instruction. Those who are adequately educating their children under the inspection of the State should not be called on to bear exactly the same burdens as if they were in neglect of this duty, or to render the duty twice over—once in a way conceded by the State and once in a way ordered by it. The intrinsic injustice of our existing policy has been concealed from us by the accidental, changeable, and capricious impulses which have hitherto given rise to private schools, and by the fact that, for the most part, they have been established by the well-to-do simply in defense of class feeling. Now that the parochial schools express a religious conviction—no matter how mistaken that conviction may be—are closely and extendedly united within themselves, and are the chosen means of those who can ill endure a double expenditure, the bearings of this public policy are entirely altered. The sense of injustice will deepen year by year, the religious sentiments which underlie the parochial school will be fed by the very opposition which they meet, and the public feeling arrayed against these schools will itself become an intolerant sentiment, of belief or unbelief, associated with religion.

No condition could well be more hostile to the steady growth of public instruction than this policy, under existing circumstances. The public-school system has always been subject to

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attack, and is now subject to it, as not fulfilling its purpose and as a wrongful trespass on the tax-payer. Some, who are very earnest in educating their own children, lose faith in the efficacy of education the moment it is applied to the public at large. Some, who avail themselves to the utmost of higher education that is almost wholly eleemosynary, and laud it as the wisdom of all the ages, are afraid that we are pampering the poor by the luxury of the provision that we make for their instruction. We cannot afford to add to these many querulous and illiberal sentiments, which already sufficiently weight our efforts for the improvement of public schools, an extended, combined, and reasoned, if not well-reasoned, religious opposition. It would, indeed, be infinitely better if this conflict had not arisen; if the children of the Republic were adequately and uniformly trained in public schools, and so were united, from the first, in social sentiment and intellectual outlook. This union has, however, ceased to be possible. Our wisdom now lies in reducing the division as much as may be, in giving full opportunity to the healing processes of time, and in putting aside that obstinacy and arrogance that cause us to think only one way and one result admissible.

The partial coalescence of public and private methods of instruction, and of religious schools with public schools, may not prove as disastrous as some anticipate. It is the method the English are adopting in a tentative way, and virtually the method of higher education in New England. The colleges of New England are, in general, under the direction of religious bodies, and some of the best of them have received aid from the state. If they had been helped to a much greater extent, their relation to the public and service to the public would not be materially altered. They meet, in a liberal manner, the ends of general education. A large view of the objects to be gained, a wide, sympathetic grasp of existing conditions, and a clear sense of justice, will be able to find a way, and an ever-widening way, through present perplexities. Our public policy must show itself flexible—fully capable of fresh adaptations. Bigotry may pertain to a too inflexible insistance on a method intrinsically desirable, as well as to a method in itself inadequate and narrow.

JOHN BASCOM.

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OUR BARGAIN WITH THE INVENTOR.

A UNITED STATES patent is a contract. The parties to it are the inventor on the one hand and the people of the United States on the other. The inventor, by a public record, informs the people concerning a useful discovery which he has made, which must be original with him and new in the United States. In return, the people, by their letters patent, secure to him the exclusive right to make, to use, and to sell his invention for a limited number of years. At the end of that period the contract terminates and the discovery belongs to all the people forever.

A patent, therefore, does not flow from the bounty of the community, as might a pension, or a subsidy, or a medal. It belongs to the inventor by right. It comes into existence in consequence of the legal establishment of a certain state of facts; namely, that the invention is new, useful, and original with the claimant. This disclosure is the consideration on the part of the inventor, who therefore gives to the community something of value which it did not before possess. The community gives to the inventor, not something of value which it already had, as where a part of the public domain is patented to a settler, but simply protection. If the invention is valuable, so is the protection; if the invention is worthless, the protection is without benefit; thus the contract is reciprocal and evenly balanced. The validity of a patent depends upon the maintenance of the facts established. To determine issues of validity is a function of the United States courts; to determine whether the consideration probably exists, and to make the contract itself, is the function of the United States Patent Office.

"He who receives an idea from me," wrote Thomas Jefferson, "receives instruction himself without lessening mine; as he who lights his taper at mine receives light without darkening mine." An idea once made known is subject to human control only when incorporate, and therefore it can become the subject

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of patent only when it is tangible and existent. In the beginning it may be regarded as a marvel; in time it becomes a necessity of life, a manufacture, perhaps the basis of a great industry. In a certain sense the invention then detaches itself from the inventor; for the patent no longer protects only one man in his right, but through him many men in their rights. The patent system of the United States has now completed its one-hundredth year. The experience of the century shows that the advantages incident to the patent contract constitute a sufficient incentive, not merely to lead people to publish their inventions, but to make them invent. The number of patents granted yearly has steadily augmented; it is now more than 26,000 and is increasing. Under the fostering protection of patents we have developed, and are developing, inventors as a distinctive national product; and because of this we are enabled to exhibit to the world a growth and a prosperity, as a manufacturing people, unexampled in the history of mankind.

The patent contract secures to the inventor his right for a fixed period of time, absolutely and without limitation, save by the obligations which every man owes to society. It assumes that self-interest will best conduce to the development of the invention, and therefore it imposes on the patentee no recurring taxes, nor does it compel him practically to operate his device. During the protected term he may restrict or prohibit its use as he pleases. The measure of his reward is what he can get, that is, what the public chooses to pay. A man is not compelled by law to use a new invention. He probably did not feel the need of it before it came, and if he does not wish to pay the price asked, he is perfectly at liberty to let it alone. This is the way in which most people in large cities deal with the telephone. It is necessary only to wait until the patent expires, and then the patented thing may be enjoyed for all time without let or hindrance. On the other hand, there is nothing to compel the inventor to reveal his secret knowledge. He has a perfect right to keep it to himself, and to use it solely for his individual advantage; and the law will protect him in that right. He need never obtain a patent unless he chooses, no matter how greatly beneficial the new idea might be to the community. If the

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public wants the benefit of his discovery, it must offer a sufficient inducement to make the inventor tell what he has found out.

A patent grant is therefore not made in payment for an invention, in the sense that one is a measure of value for the other, but in return for its disclosure. No one can assess the value of a new discovery to the human race for all time. The more important it is, however, the more incommensurate become the returns obtainable during the patent period. The millions made from the patents on the sewing machine, or the reaper and mower, or the telegraph, or the telephone, are utterly inconsiderable beside the enormous benefits which the public acquires through all futurity from these inventions. Whether the thing contrived is to underlie a great industry or whether it is merely an improved pin, the inventor, to be entitled to his patent, must disclose it fully, and without restriction or reservation; so that, when the patent term shall be finished, the public may be able to make and use the thing as well as he himself can make and use it. He is entitled in return to equally full, unreserved, and unrestricted protection. To lessen the enjoyment of that protection, or to limit it by harassing requirements, such as taxes or obligations to work the invention, as the opponents of the system have proposed, would amount simply to failure on the part of the people to comply with their side of the contract.

In order to insure, as far as possible, that the description furnished by the inventor shall be so full, clear, and exact that any competent workman familiar with the art to which it belongs can make from that description the thing described; in order that his claims may set forth his invention and no other, so that both patentee and public may definitely learn therefrom what is protected; in order to prevent misdirected energy in the reinvention of old things, or in labor upon wild and chimerical notions; in fine, in order to avoid the grant of useless and invalid patents, we have established a system of official examination into the novelty and utility of every invention for which a patent is asked. This is the work of the Patent Office. More particularly this examination seeks to find out whether or not the invention has been patented or described in any printed publication in this or any foreign country before the applicant's discovery, and

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whether it has been in public use or on sale in this country for more than two years prior to his application. If it has been so patented, or described, or publicly used, it is not patentable.

Logically, such an examination, if it should terminate favorably, ought to be followed by a patent guaranteed to be valid. But a perfect examination is impossible. Even if we should collect all the printed publications in the world and digest them so as to make their contents accessible, still there is no way of obtaining information as to prior invention by anybody and everybody throughout the land. The British method is to grant, as a matter of course, any regular application for a patent, no matter whether the device has been the subject of a former patent or not, and then to leave the patentees to fight out their respective rights afterward in the courts. Whether, as an abstract proposition, the examination system is better than this, is open to debate. The fact remains that our patent system, which has undeniably promoted our national prosperity, is founded on an official examination, which, as its ultimate result, tends to protect the rights of both parties to the contract. Obviously, the more thorough and intelligent the examination, or, what is the same thing, the more efficient the Patent Office, the better for the nation and for its inventors. Is the Patent Office, as now organized, efficient? If not, why not?

At the very outset of this inquiry we are met by a host of anomalies. As a part of the machinery of a government no function of which is to make a profit out of the people governed, here is an institution not only self-sustaining, and as such unique, but paying into the United States treasury a surplus revenue of nearly $230,000 a year. And more than this, its accumulated profits over and above all expenses, including the cost of its building, only a part of which it is permitted to occupy, now form a fund of nearly $4,000,000. All of this vast amount has come out of the pockets of inventors, and not one cent from those of the tax-payers at large. The inventors, therefore, and not the general public, maintain—and more than maintain—the Patent Office. They have a right to demand the most efficient service that it can give them, for that is what they pay for. When a surplus is put aside, it is not an unreasonable presumption that

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the service is so efficient that the extra money is not necessary for further improvements. Now, let us consider the facts.

The presiding officer of the Patent Office is a commissioner who, to meet all theoretical requirements, would need nothing short of omniscience. He is a judicial officer, an executive officer, a legislative officer, and an accounting officer, all in one. As a judge, his jurisdiction is both original and appellate. As a law-maker, he devises rules having the force of statutes, subject only to the perfunctory approval of the secretary of the interior. As an executive officer, he regulates and controls the ministerial affairs of the Patent Office, and commands its 589 employees. As an accounting officer, he receives the immense sums paid into his bureau and accounts for them. He is presumably an expert in every branch of applied science, a skilled mechanic, a consummate electrician, and a chemist of high ability; and perhaps he ought also to be a "lightning penman," seeing that about one tenth of his time is wasted in the clerical work of signing patents. Of all the bureau officers that have power to nominate persons to a cabinet minister for appointment, he is the only one without whose nomination the minister cannot appoint. This superior being, vested with all these multifarious capacities, we expect to obtain for the sum of $5,000 a year; which is perhaps the most remarkable fact of all. We do not get him. To make sure that we shall not, we have converted the office into political spoils, and we have filled it, not infrequently, with lawyers from the cross roads and with experts from the stump. They give up the ghost, officially, after average terms of eighteen months of the hardest work that they ever did in their lives, and then they invariably begin practice as patent attorneys. In a very few instances we have secured for a short time the services of a competent and experienced patent lawyer, such as the present incumbent, Mr. Charles E. Mitchell, of Connecticut. During such administrations, undertaken obviously by these men at no small sacrifice of personal interests, bad rules are abandoned, worthless employees are weeded out, absurd and conflicting decisions—alas for their number!—are harmonized or reversed, and the service is generally improved. At other times the office either remains *in statu quo*, or retrogrades.

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By a fiction of law, the commissioner is supposed personally to know all about the 40,000 applications that are filed every year. As a matter of fact, he probably hears of about one in fifty. They are handled by a corps of examiners, who are graded in various ranks in a semi-military manner. All possible subjects of invention are divided into about 190 classes, and these, in turn, are subdivided into more than 4,000 sub-classes. A certain number of classes are assigned to a division, over which a principal examiner presides. He is aided by a number of assistant examiners of different grades, who do the actual work of hunting up the prior patents or publications which show the invention claimed by the applicant, or which, in their opinion, show it—often a very different matter. The principal examiner in each division is a judge of first instance for the decision of all questions of law and of fact affecting an application. No matter how enormously important an invention may be, no matter what great interests are at stake upon the possession of the patent which is to secure it, the whole matter is subject to his supervision. He may harass and hamper the inventor with restrictions and keep him waiting for years. He may grant illegal and improper claims, and so subject the public to vexatious litigation and seriously impede the progress of great industries. It is true that the inventor may appeal from him, and thus secure rights improperly denied; but there is no redress for the public, against the allowance of a bad patent, other than in the courts. The men upon whose shoulders we place these great responsibilities are paid the wages of young naval lieutenants or of ordinary book-keepers—$2,500 a year. The average ability of the principal examiners is much higher than might be expected in view of the compensation given them. Most of them are painstaking, self-sacrificing, patient, and able. Others are the reverse. Their methods are various in the extreme. When they do not happen to be lawyers, their rulings in matters of law are frequently highly original. Some of them endeavor to assist the inventor, and with patient kindness correct his errors and resolve every possible doubt in his favor. Some favor strict neutrality. Others seemingly labor under the idea that they are government attorneys, paid to find out how not to grant a patent. The offi-

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cial action of one is never a precedent for that of another. In short, they are thirty quasi-courts, interpreting law and fact each after its own fashion.

There are also 169 assistant examiners, who are presumably competent scientific experts, but who receive clerks' wages—from $1,200 to $1,800 a year. They are mostly young men. Washington possesses four large law schools where evening instruction can be obtained, and the utility of a government position which at once furnishes a support and a chance to practice law on the inventor, is plain. Tenure of office is therefore shortened not merely by inadequacy of salary, but by the resignations of incumbents in all grades, from the commissioner down, to enter practice as patent attorneys when sufficient education has been obtained. The evil is twofold; first, the Patent Office is converted into a training school, so that the service becomes inefficient; and, secondly, there is nothing to prevent the retiring official from taking with him, and using for the benefit of private clients, copies of pending applications or other secret information, the revelation of which may be highly valuable to one competing interest and correspondingly injurious to another. This has been done; it should be made impossible. A law in other departments prevents a former government employee from practicing before the office in which he served, until two years after the end of his term of service. A similar term of incapacity should be imposed on ex-officials of the Patent Office.

Although the standard of honesty in the Patent Office is exceedingly high, and fraud of any sort is very rare, the fact remains that there is no fiduciary institution in existence where the temptation to be corrupt is greater. The examiner's work is done in secret, and not in the blaze of publicity which surrounds a court. The proceedings are *ex parte*, and the decision of issues involving great pecuniary interests often turns upon abstruse technical distinctions incomprehensible to the public at large. Public opinion is strongly arrayed against the underpayment of bank officials and others in places of trust. For the people to subject their own servants, charged with far greater responsibilities than those that fall to the lot of any private employee, to such strain, is unjust to them and contrary to sound

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public policy. Conditions which include both inadequate pay and ever-present temptation are notoriously unsafe.

There is also in the Patent Office an extraordinary tribunal charged with determining "interferences," or issues of priority between rival inventors, and presided over by an examiner paid as inadequately as the others. Here occur probably the bitterest litigations in the world, for the fight of an inventor for his invention is like that of a tigress for her whelps. The practice of the tribunal is governed by the equity rules of the United States courts, and it enforces technicalities to a degree which finds a parallel only in criminal cases. Neither the judge nor the attorneys are necessarily lawyers, and the court decides matters of law, fact, and metaphysics with equal readiness. The decision of the commissioner, on appeal, is final between the parties. But as the defeated contestant frequently infringes his adversary's patent after it is issued, the whole controversy may be fought over again in a court of law—a condition of affairs much needing reform. Between the commissioner and the primary examiners is an appeal board of three examiners-in-chief. The pay being not glaringly insufficient and the position one of some dignity, its incumbents are usually men of ability and hold their places for long terms.

The remainder of the Patent Office employees, mainly clerical, number about 400. The entire working force is crowded into about one half of the available space in the so-called Patent Office building—the whole of which the inventors have paid for, as before stated—the rest being occupied by the Interior Department, of which, for some inscrutable reason, the Patent Office is a bureau. The quarters are so inadequate that the most valuable records of the office lie piled up on floors and in corridors, despite the lesson of two disastrous fires. The average floor space given to each employee is about seven feet square, no allowance being made for passage ways. Most of the occupied area is taken up by halls for the exhibition of old models, which are interesting chiefly to western bridal couples. The examinations of inventions relating to "dryers, farriery, metal-working tools, nut and bolt locks, pneumatics, refrigeration, and windmills" is accomplished by nine people, who, with all their rec-

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ords and furniture, are crammed into a room nineteen by twenty-three feet in dimensions. This is representative. Every commissioner for the last twelve years has appealed to Congress for remedy. The present commissioner calls the existing state of affairs "most deplorable." It is disgraceful; it not only impedes public business, but violates the plainest sanitary laws.

Such are the conditions of *personnel* and place. Now as to the examinations themselves. To keep up with the rate at which applications are filed—about 43,000 a year—each examiner ought to make every day about five "official actions," each requiring intelligent decision. This being impracticable, the delay in reaching an application after it is filed, though less now than it has been for years, varies from one to six months. To this is added more delay in considering amendments and arguments to meet objections. The patent is not retroactive, and the inventor stands helpless against piracies; for he has no protection during the interval. If, meanwhile, he seeks patents abroad, and gets them in advance of the officially-delayed United States patent, he thereby cuts down the lifetime of the latter so that it may expire with that of the foreign grant of shortest term.

It might be supposed that an inventor who should desire to determine for himself the novelty of an idea, could here find complete records for his assistance; or, inasmuch as to invest in a patent right without search into what has been done before is like buying real property with no examination of title, that the intending investor might here have at his disposal, digested and abridged, all prior patents and publications which the almost unlimited facilities of the government could secure for him. But no published abridgment or digest of the United States patents is in existence. Some years ago Congress was induced to appropriate $10,000 toward making one. The money was expended as far as it would go, and the manuscript of a small fraction of the work now lies moldering in the vaults of the Patent Office. There is an inadequate library, not properly indexed, and for purposes of research but little better than the collection of patent records and scientific works in the Astor Library of New York. In place of the finest mechanical, chemical, and electrical laboratory in the land, provided with every means for demonstrating

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new inventions on a scale sufficient to prove their practicability if it should be questioned, there is a small basement room containing some dilapidated apparatus and a few bottles of the commonest reagents. The examiners have no means of independently testing inventions, and such few digests as they possess, mainly of their own making, are in constant use and not accessible to the public. The Patent Office publishes a weekly magazine called the "Official Gazette," which contains partial drawings and copies of the claims of the patents issued during the week. It is sold at a low subscription price, and is useful. The complete specifications and drawings of the patents are also printed weekly and may be purchased at ten cents each in quantities. The sale is about 4,000 copies a day, and the price charged is excessive.

The metes and bounds of an invention must be defined by the inventor. He must stake out his own claim. It is not the business of the Patent Office to do this for him. It can act solely upon his definition of what he has invented; and to that definition, whether adequate or not, the law ever after strictly holds him. Therefore the character of the patent, and the amount of protection that it secures, depend greatly upon the ability of the attorney who presents and prosecutes the application. Very little safeguard is provided for the inventor against professional incapacity or deceit. Any person of "good moral character" may practice before the Patent Office. He need not be a member of the bar. In order to prosecute an application, he must file a power of attorney, thus becoming the inventor's attorney in fact. There is no Patent Office bar. The act of July 4, 1884, authorizes the secretary of the interior to prescribe rules governing the recognition of agents, attorneys, and others representing claimants before his department; and he has, under that act, admitted persons to practice before other bureaus of the Interior Department. But the Patent Office has never been considered as coming within the purview of that law, for the reason that an application for a patent has not been regarded as a "claim" against the government. The only remedy against malfeasance by an attorney is the filing of charges and a trial before the commissioner, which may terminate in a withdrawal of further recognition. But this rarely happens.

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Such are the conditions that attend the making of a United States patent. For this inefficient service the inventors, and not the tax-payers, be it repeated, pay $1,250,000 yearly. Of that sum, one fifth is virtually confiscated, with no return whatever. The responsibility lies with Congress. Again and again efforts have been made in that body to apply the accumulated surplus to the uses of schools and public works. So far, the friends of the patent system have succeeded in preventing such improper diversion. How long they may be able to continue to do so is open to question, for the legislature has been deaf to all requests for the appropriation of the money toward improving the service for which it was paid. In the present Congress, when it was urged that this fund came from the inventors and rightfully should be devoted to their benefit, the answer was returned that "it is not less appropriated to-day as a part of the people's money because it originally came from taxation for patents instead of coming from direct taxation," and the Patent Office was stigmatized as a "clearing house for cranks." It seems premature to advocate specific measures of reform so long as Congress maintains its present position of apathy and ignorance. There is no lack of suggestions, extending from minor details all the way to complete reorganization of the Patent Office. A well-known advocate recently assured the writer that it was of doubtful expediency at the present time to press even the most urgent needs of the office upon the attention of Congress, lest a general attack on the whole patent law should be precipitated.

Whether this statement exaggerates the temper of Congress or not—and it is greatly to be hoped that it does—it certainly goes to support the belief that the root of the trouble lies in lack of popular information. The Patent Office has been of the greatest benefit to the country, and despite its defects it is so still. It cannot be brought to higher usefulness, and it is even doubtful whether its present condition of impaired efficiency can be maintained, without material, and probably radical, improvement. We want for its proper administration the best attainable scientific and legal talent, and plenty of it, sufficiently and reasonably paid, and intelligently directed. We want uniform and stable decisions and uniform practice. We want permanence in office,

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and attorneys subject to proper restrictions and discipline. We want adequate facilities for research of every kind, and adequate room for work and storage. We want every possible safeguard against temptation, corruption, and fraud. We want the appropriation of the surplus revenue of the office to the purpose for which it was given. Most of all, the people should understand that the patent system is not an institution for the imposition of grinding monopolies. It protects the inventor in what is his by right of creation and discovery; and by the stimulus which it affords to invention, it cheapens the necessaries and increases the comforts and conveniences of life, augments their consumption, redistributes labor, calls forth higher orders of skill, and opens new avenues of employment. The protection of industries by patent approaches in economic importance the protection of industries by tariff.

On May 6, 1646, the General Court of Massachusetts, under the system of law called "The Body of Liberties," gave to Joseph Jenckes, of Lynn, the first patent ever granted in America. It was for a scythe, and he prayed for protection for "fowerteen yeeres, without disturbance by any others setting up the like inventions, so that his study and cost may not be in vayne or lost." Jenckes's scythe is in the hands of the farmer of to-day, and it cut all the grain of this country for many years. It did not open to the world the great granary of the West; that was the work of another patented invention—the reaper and mower. The inventor of that machine made the same prayer, and so did the inventors of all the 450,000 patented devices which appear on our national record. And the inventor of to-day asks—and surely his is the right to ask, for he pays for it—that we shall maintain in all its efficiency that system which is for him, as it was for his forefathers, the sole safeguard and security "that his study and cost may not be in vayne or lost."

PARK BENJAMIN.

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RAILWAYS UNDER GOVERNMENT CONTROL.

NATIONS, so far as their railway policies are concerned, may be classified in three groups: those in which the railways are the property of the state; those in which the roads, though not absolutely state property, are closely supervised by state officials and are organized almost as a department of the public service; and, lastly, those in which the railways are the property of private trading corporations. Of the first class, the two prominent examples on the continent of Europe are Germany and Belgium; but for Anglo-Saxon readers it is equally important to notice that the same system has been adopted by the English colonies in Australia. Of the second type, the leading instance is to be found in France. England and the United States stand alone in the third category. The first system relies for its motive force on governmental solicitude for the welfare of its subjects; the second on governmental interference, both as a stimulus and as a restraint; while the third places its trust in free competition. Free competition, in England three quarters of a century ago, did marvels in the development of traveling by coach on common roads, and when coaches gave place to railways there was no thought of adopting any other method. Such a system, however, obviously requires for its development two things—a large amount of available private capital, and energy and self-reliance in the capitalists to employ it. The latter requisite was wanting among the despotically-governed nations of the continent; the former among our sufficiently self-reliant kinsfolk in Australia.

The purpose of this paper is to trace the working of the different systems, but before doing this one or two preliminary points may well be noticed. In the first place, it would not be difficult to bring forward an array of facts to prove that the English people hardly realized what the power of the railways was likely to be when, in the latter years of the first half of this century, their Parliament authorized the incorporation of

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private railway undertakings by the score and by the hundred. Had they realized this, it might be very plausibly argued, they would have made the railways a department of state, or at the very least would have subjected them from the beginning to a stringent state control. Certain it is that whenever the question of state purchase has been raised, the expense of the plan has always been one of the chief objections. This objection was taken to Mr. Gladstone's railway act of 1844, which, at a time when the railway capital had reached about £100,000,000, contemplated as a possibility a deferred purchase in twenty-one years' time. It was taken still more seriously when the twenty-one years had elapsed and the capital had more than quadrupled. At the present time, when about £900,000,000 is invested in the British Isles, the question is apparently quite outside the range of practical politics. It is true that two or three years ago a well-known railway contractor wrote a book to prove the necessity for state purchase, and that some of the extreme socialists have made the same theory a plank in their platform. It is true, too, that within the last few months a society has been started for this very end; but, if the reporters are to be believed, the audience at its last meeting numbered only fourteen persons; and, among the educated classes at least, that number probably represents with sufficient accuracy the society's following.

Another point must be noted. English railways, from the outset, have been subjected to no inconsiderable amount of state control. Practically speaking, it has always been impossible to make a new line without obtaining a special legislative act for the purpose, which act can be passed only after a judicial hearing before committees of both houses of Parliament, where any person injuriously affected has a right to appear in opposition. Similar authority has been necessary for the raising of fresh capital. As a result of this supervision, the debentures or bonds of an English company are almost absolute securities, while the amount of "water" in the ordinary stock is, on the whole, a very trifling percentage. In the working of the railways, too, the government has not hesitated to interfere, both in its judicial and in its executive capacity. The clauses in the inter-State commerce act prohibiting unjust discrimination and

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undue preference, are practically modeled on an English act passed as long ago as 1853; and whether it is due to the action of the courts, or to the native virtue of the English freight managers, the fact is certain that in modern English railway history personal favoritism and secret rebates and concessions are things unheard of. Then, on the executive side, the Board of Trade, which is practically a ministry of commerce, has been given power to interfere in such questions as those of third-class accommodation, of workmen's trains in the neighborhood of London, and of safety appliances. The power actually to fix a rate, as is done by the State commissions in Georgia and Illinois, for instance, is a function that has never been intrusted to it. But in the railway and canal traffic act of 1888, Parliament went very near to this point. It empowered the Board of Trade to draw up a new uniform classification and a new schedule of maximum rates which should be binding on the companies; and the Board of Trade has so interpreted its instructions that, in not a few instances, it has fixed the new maxima below the rates which the companies are actually charging at the present moment. But this matter has not yet reached a final settlement.

Such, in very brief outline, is the English system. Speaking broadly, it may be said that the English people are satisfied with it and are not likely to change it. Nor, in the judgment of the present writer at least, would they find any reason to do so if every voter should have the opportunity to study the railway systems of all the other countries. Take Australia, for instance. Anglo-Saxon democracy has there made its most important experiment in state railways, for the government lines of the Cape are a small affair, while those of Canada cannot escape the controlling influence of American competition. It will not be denied that the Australian lines have suffered from political management. Railways have often been constructed, not because they have been needed, but because the member for the interested district has been pertinacious and insistent. Redundant officials by the hundred have been employed or retained in office for the same reason. In the last few years the different colonies, one after another, have found it expedient to appoint non-political boards of railway commissioners, holding office for life, to manage their rail-

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ways. But of course it has been impossible to withdraw from the government and Parliament the power of the purse and the decision as to the construction of new lines. Nor can it be said that, either in the extension of new lines or in the facilities afforded by the existing ones, the Australian colonies have shown any development to match that of the railways of America. Railway rates may have come down, but they have not descended by leaps and bounds like those of the western American roads, and it may well be argued that the extraordinary development of the American West, as compared with the slow progress of agricultural settlement in Australia, is mainly due to the difference between the fiercely competitive system of the American lines and the more conservative methods of Australia.

The German evidence for or against government management can without difficulty be represented as proving anything that it is desired to prove. If we charge the obvious faults of the Prussian lines—their slowness, their stolidity, their overbearing treatment of smaller neighbors—upon the system of state ownership, we may be told in reply that these are but accidents, and that the essence of the system is to be found in its uniformity and in its certainty. Or, again, we may be assured that state ownership in Prussia is so new that its natural consequences have not yet had time to work themselves out. Messrs. Farrer and Foxwell, for instance, in their recent book on "Express Trains, English and Foreign," have pointed out that while, all over the world, speed and accommodation have been rapidly improving between 1875 and 1889, "the German government railways remain with the same speeds and the same accommodations as before. . . . As far as express trains are concerned, the acquisition of the private companies by the state has had an exceedingly bad effect." To this sweeping indictment, which was strongly backed up by influential German newspapers and apparently represented the prevailing German opinion, the German government has made a twofold reply. In its official publication, "*Archiv für Eisenbahnwesen*," it has attempted, not over-successfully, to deny the fact; and, what is more to the point, it has put on several new expresses of a high order of excellence.

The authors just quoted went further, and pointed out that,

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poor as are the Prussian speeds, those on the railways of Saxony, Bavaria, and Würtemberg, which have always belonged to the state, are still less satisfactory, being indeed "deplorably bad" and "a disgrace to Europe." But to this further accusation it is easy to reply that the German government studies the greatest good of the greatest number, that express trains are mainly for the benefit of the richer class, and that a great deal has been done of late for the benefit of third-class and fourth-class passengers. Again, it is claimed that trade has been encouraged by the simplification and modification of the freight tariffs, and that the traders have been allowed, by means of the institution of consultative committees in the chief centers, a voice in the settlement of the rates which they have to pay. A charming system in theory, reply the individualists; but when your rate-modifying machinery takes a year or eighteen months to get to work, its practical benefits are by no means so great as on paper they might seem to be. This much, however, is clear: In Prussia, a country which is not governed on the party system, railways are not likely to be used for party purposes; but for all that, the policy of the railways is dictated quite as much by political as by purely business considerations. Traffic, for instance, is diverted by exceptional rates from Rotterdam and Antwerp, for the benefit of Bremen and Hamburg. The natural route between France on the one hand and Austria and south Germany on the other, which is through Alsace-Lorraine, is almost absolutely barred. Again, by fixing rates to the frontier on a much lower scale than those for the same articles from the frontier, what is practically a protective tariff is built up, and in this way the regulation of the fiscal policy of the country is withdrawn from the control of the German Parliament.

One other point. In backward and thinly-populated countries, such as Austria, Hungary, and Scandinavia, state-owned railways and those of private ownership may perhaps continue to exist side by side. In countries more commercially active this is practically impossible. France has been glad to hand over, on almost any terms, a considerable proportion of its state railways to the great companies which control the districts in which they are situated. In Belgium the process has gone the other way, and the

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state has been forced to buy up all the seriously-competing lines. In Prussia the same process is very nearly complete, but one or two companies still hold out. If, however, the recent history of the Hessen-Ludwigsbahn and the Boxtel-Wesel should be written in full, it would be very necessary to find the German equivalent of the verb "to boycott."

We mentioned the state railways of France a few lines back; but state railways in France, needless to say, are only an afterthought and a small matter. The original French system, begun as long ago as 1842 and deliberately re-accepted as recently as 1884, is one by which France is partitioned among six great companies, each of which has its own district within which competition is prohibited. Five of these districts radiate from Paris like segments of a wheel; the sixth is in the South-west, within Bordeaux, Toulouse, and the Pyrenees. What the government has done for the French railways it is difficult to say in a few words. It would not, however, be very far wrong to say that it has provided between £150,000,000 and £200,000,000 sterling of capital, or between a quarter and a third of the whole, and that it guarantees to each of the companies interest on the capital provided by private investors, at a rate ranging from a minimum of seven to a maximum of 13½ per cent. Further, as has been said, it protects the railways against competition that might reduce their incomes, which are, as a rule, considerably larger even than the amount guaranteed. In return for these very substantial benefits, the state receives, in the first place, the right to the reversion of the companies' property about the middle of the next century, and, secondly, the theoretical right to fix the charges and to regulate the service. The right is theoretical rather than practical, for the reason that, owing to the extravagant amount of the guarantees, the minister dares not propose a reduction of rates or an increase of facilities. In fact, his action not infrequently is in the other direction. Here is an instance in point: Some years ago the Western Railway of France, in conjunction with the Great Western Railway of England, established a new service between London and Paris, *via* Cherbourg and Weymouth. The service was first starved into inanition and then condemned to death; but the reason was

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to be found, not in the backwardness of either company, but in the action of the French minister, who was unwilling that the Western line, which does not earn the full amount of its guarantee, should charge to the state the cost of building up this new route. Even when a company is earning more than its guarantee, the same considerations may, not improbably, apply. The Northern Railway of France, for instance, the most prosperous line in the country, proposed, it is said, not long since, to reduce the fares between France and England, *via* Boulogne and Calais, to the level of those charged over the western route by way of Dieppe. But the ministerial homologation was refused. Such a reduction would deplete the revenues of "*l'Ouest*," increasing the government guarantee, while the share-holders of *le Nord* would keep the extra profit for themselves.

The system, in fact, as between the railway companies and the state, is literally one of "heads, I win; tails, you lose." The government's legal right to fix every freight rate, and to settle the time table of every passenger train, is as unquestionable as is the expenditure of £200,000,000 to purchase this right; yet it would hardly be a paradox to argue that, practically, the powers of the Board of Trade in England, where the state has never risked one penny in the railways, and where railway companies make and alter schedules at their own sweet will, are more extensive than the nominally far more sweeping powers of the French minister. As for the results of the system, while it must be acknowledged that the French lines are managed with very great technical ability (the French engineering schools are probably the first in the world), it can hardly be denied that the accommodation provided for the public is very jealously limited. In the passenger service, the trains are few and far between, and each of them, on the main routes, is crowded to the last seat. In the freight traffic, consignments are kept back two, three, or four days, in order to secure the most profitable engine loads. Everywhere economy of working expenses is the main thing studied. Where a railway has a monopoly, especially in a rich old country with established industries, it is always less troublesome and risky—and probably almost as profitable in the end—to maintain high rates, to give scant facilities, and thus

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to do a small business with a large percentage of profit, than it is to reduce rates, to increase facilities, and so to earn a larger gross income at a higher percentage of working cost.

Before leaving the French railways, let us notice one more point of considerable interest. As originally planned, the systems of the different companies were designed to meet one another in thinly-populated parts of the country, so that competition might be minimized. The two great companies, for instance, which radiate from Paris to the south and south-west—the Paris, Lyons, and Mediterranean Company, and the Orléans Company—meet in the remote mountain districts of Auvergne. But in these very districts, Vichy, Royat, and La Bourboule have grown of late to be among the most important watering places of the world, and their traffic is yearly increasing in importance. Accordingly, spurred by the competition of the Orléans line, the Paris and Lyons gives to the rugged table lands of Auvergne a passenger service which, all things considered, is better than that which it gives to Lyons and Marseilles, and to all the important towns in the valley of the Rhone between them. So, too, with the Swiss and Italian traffic. To Switzerland, two companies—the Paris and Lyons, and the Eastern—compete; to Italy, since the opening of the St. Gothard tunnel, there has been fierce competition *via* the Rhineland railways. Toward these countries, therefore, the Paris and Lyons is upon its mettle. Says Mr. Farrer:

> "The service is twelve hours quicker to Rome from Paris than before the Gothard line was opened. . . . The best express to Marseilles is actually slower (28 minutes) than seven years ago. . . . If the Marseilles express went at the same speed as the Italian train, it would reach Marseilles two hours quicker, and if it went at the pace of the London and North-western day Edinburgh express, five hours quicker."

To this it should be added that the North-western has much the harder course to travel, and that while its train conveys first-class, second-class, and third-class passengers, the Marseilles *rapide* is limited to first-class passengers only.

Competition, however, by no means stops short at the Italian frontier. Those who wish to know more as to the very interesting railway history of the Italian peninsula, will find an admirable summary in Professor Hadley's well-known book on "Rail-

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road Transportation." Here it must suffice to say that, after experimenting with every possible system—state railways worked by the state; state railways worked by private companies, now at a fixed rent and again for a share of the profits; private railways, at one time as mere local roads, at another as great systems monopolizing large sections of the country—after trying all these, the Italian government put matters on a permanent basis, six years ago, in accordance with the best results of its practical experience. That basis was as follows: An act was passed by which all, or almost all, of the Italian railways were consolidated in the hands of two companies, which leased their lines from the state for a long term of years, and were left to work them for their own private interest. Each company has access to all the principal centers, such as Milan, Florence, Rome, and Naples; the one, the *Adriatico*, approaching from the east, the other, the *Mediterraneo* or Western, following the western coast. When Professor Hadley wrote, five years ago, it was possible only "to look with interest to see how far the event justifies the framers of the bill." To-day it may be pronounced without much hesitation that the result is a success. In spite of all difficulties; in spite of the grinding poverty, not only of the railways, but of the people whom they serve; the Italian lines are steadily, some might say rapidly, improving. Competition has got fairly under way, and in its bracing atmosphere the railway pulse is beginning to beat with something more like express speed. Perhaps the best testimony to the success of the Italian experiment is to be found in the fact that in Holland a similar plan has been quite recently adopted.

One other European country must be noted because of its special interest, in one particular, for American readers. Sweden, like America, has its great lakes, forming, with the aid of the Göta and Trolhäthan canals, a continuous chain of water communication across the country. Stockholm and Gothenburg stand to each other as do Chicago and New York, with Jönköping, Motala, and other towns *en route* taking the place, on a smaller scale, of Detroit, Buffalo, and the rest of the lake cities. In Sweden, too, the navigation is stopped by ice for some months every year. But here comes in the difference. The Swedish

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railways are mainly government property, and it would hardly be dignified for the government to put its rates up or down according as the canals are closed or open. Nor, on the other hand, can it afford to carry all the year round at the price at which the canal boats can work. What happens, therefore, is that the railway rates are permanently maintained at the higher level. In Summer the railways are empty, and the iron ore and the lumber go by water; only in Winter are these products carried by the railways. That the public revenue suffers, is obvious, for, presumably, judging by American experience, some slight profit might be made, even at the canal rates, plus the extra amount that the freighters would be ready to pay for greater dispatch and certainty of delivery; and this profit, whatever it might be, would be available, *pro tanto*, to reduce the charges on the freight actually carried. Nor, it may also be presumed, would it be against the public interest that the canal carriers should be exposed to the competition of a different carrying agency.

In this sketch of the part taken by governments in the control of railway systems, very much, of course, has been left unsaid. Statements have been made which, to those familiar with the subject, may seem to need to be greatly qualified. The writer, while endeavoring to be fair, must confess, as his readers will not now need to be told, that he is a convinced individualist; and it is of course possible that his prepossessions have colored his views of the facts. For this every reader must make allowance as he thinks proper. But a word or two of a general nature may perhaps be added here with advantage. In England, American railways are, as a rule, the object of almost unmixed laudation. We see their marvelous cheapness, their flexibility of adaptation to rapidly-changing circumstances, and the extraordinary technical ability with which they are managed. On the other hand, we pay little heed—perhaps because we have a difficulty in imagining them—to the personal preferences, the unjust discriminations, the wild fluctuations of rates, even the actual financial dishonesty, which look so large in the eyes of the American public, and have given to the agitation in favor of more stringent state control, or even of state ownership, whatever force it possesses. It is worth noticing, therefore, that these blots on

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the American system have no necessary connection whatever with the system of private management. Rate wars are practically unknown in England. There has been but one in the last nineteen years, and that was between two petty local lines. As for personal discriminations, secret rebates, and the like, the Parliamentary committee on railway rates which sat in 1881 and 1882, and which took many hundreds of pages of evidence from scores of witnesses, most of them hostile to the railways, reported as follows:

> "Your committee . . . acquit the railway companies of any grave dereliction of their duty to the public. It is remarkable that no witnesses have appeared to complain of 'preferences' given to individuals by railway companies as acts of private favor or partiality."

If railway officials and railway directors do take advantage of their positions for purposes of nefarious private gain, they are certainly not found out. The present writer cannot remember to have heard of such a case. State ownership, therefore, is not the only method of eradicating these evils.

There are, however, so-called preferences which are not personal, but local; apparent discriminations, that is, in favor of one place against another, such as gave rise to the passage of the famous "long and short haul clause." For these discriminations, founded as they are on the nature of things—and nature is stronger than any government, be it monarchical or be it republican—no state ownership can ever provide a remedy. In Mr. Grierson's book on "Railway Rates" will be found numberless instances in which continental governments are violating the provisions of the long and short haul clause by favoring the foreign exporter or importer above the local consumer. For instance, the rate on coal exported through Hamburg is sixpence per ton less than the local rate. Imported grain from Bremen to Cologne pays 12 shillings, while grain from a way station four miles out of Bremen pays 15 shillings and sixpence. In France, the special rates between Marseilles, Italy, and Switzerland, on the one side, and Havre, Calais, and Dunkirk, on the other, are a constant source of complaint from the representatives of towns along the route. Spanish wine, again, is carried from the frontier to Paris for four centimes, while Bordeaux wine, which goes

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only two thirds of the distance, has to pay six centimes. It is quite possible, indeed, that before long these rates will be withdrawn in deference to popular clamor; but that has in great measure happened in England already. The point is that the injury to the local trader, supposing it to be an injury—though all those who have studied the subject are unanimous that it is not—is inflicted just as readily by a government official as by the manager of an ordinary commercial railway.

So much for one side of the shield; now for the reverse. Themistocles, on a famous occasion, was awarded the prize for wisdom and conduct because each commander put down his own name first and that of the great Athenian second. Were the railway experts of the world polled in the same fashion, it can hardly be doubted that the railways of England and the United States would secure the first and second places between them. In speed and accommodation, in the energy which pushes railways into remote districts, and in the skill which creates a traffic where no traffic existed before, they stand to-day in the front rank, as they have stood for the last half century. To say that they are very far from perfect, is nothing; it is only to say that they are worked by human agency. Their worst enemies will scarcely deny that they are at least alive; so long as there is life there may be growth, and we may hope to see them outgrow the faults of their youth. The charge made against state railway systems is that they are incapable of vigorous life. The old adage which proclaimed that "necessity is the mother of invention," has been restated of late years as the law of the survival of the fittest in the struggle for existence. If the doctrine is true, the state railway system, relieved from the necessity of struggle, must cease to be fit and will fail to survive. Our children will be able to judge whether the doctrine applies in this case or not, at least if the Anglo-Saxon race in England and America shall retain its hereditary belief in the virtues of private enterprise, and its traditional dislike to government interference.

W. M. Acworth.

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THE RING AND THE TRUST.

I CAME, the other day, in Hegel's "History of Philosophy," upon the following picturesque sentence: "Like Mercury, leader of souls, the idea is in truth the leader of nations and of the world." "The idea"; that is to say, reason, divine and omnipresent, which subdues matter no less than spirit to its final purposes. That sovereign idea it was which Emerson worshiped in his peculiar fashion as "the oversoul." According to the New England teacher, that spirit which is in all men, but which is better and higher than any man, has manifested itself in one chapter of the world's history as freedom, in another as light, in a third as beauty and the gift of artistic expression. And to-day, if we seek its lineaments amid the dust and the smoke clouds flung out upon us by the never-resting wheels of machinery, by the bale fires and the great Moloch altars of "the industrial era," we may discern therein three things which are essentially one and the same; I mean science, federation, and fraternity. Science, which affords the indispensable physical basis; federation, in which are summed up the social means and instruments; and fraternity, which combines the beginning with the end, righteousness with love, and all men in that household of which God is the father and king.

Strange as these utterances may sound amid the race for wealth, and under the reign of "the almighty dollar," I believe them to be simply true. The prophets of God see farther than Wall Street does. In its economics it has omitted to reckon with "the Leader of nations and of the world," who is not minded that his work shall end here. He has other destinies in store for man, and he makes of commercial greed on one side, and of the misery thence ensuing on the other, the stepping stones on which we cross to a fresh order of things. By means of these portentous evils, and out of them, he intends the federation of labor and capital to emerge. Of late years his message to this effect has grown

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perspicuous enough. But perhaps it is carved in such immense characters on the story of the times that most of us, taken up with mendacious telegrams in the newspapers from hour to hour, and gaping for frivolous details of court ceremonial or society gossip, have failed to decipher it. Let us endeavor, then, to render into plain speech the meaning stamped by Providence on certain modern phenomena which fill a great space in the eyes of the world just now.

We will take, as our beginning, the chapter of trade, crammed with experience as well as with prophecy of a most remarkable sort, entitled "The Ring and the Trust." It is, let us say at once, the open door out of the old political economy into the new. As all the world knows, Adam Smith and his successors, when they bore down victoriously on the mercantile system, as it was called, and swept most of it into limbo, established, as the first and fundamental dogma of their creed, complete "freedom of contract." There was to be freedom in production, in exchange, and in consumption. "Buy in the cheapest and sell in the dearest market" became a governing axiom invested with such religious reverence as had never been paid to the Ten Commandments. Competition was declared proverbially to be "the life of trade." By means of the magic formula "supply and demand," as by some automatic process, it was believed that the due social equilibrium, "the greatest happiness of the greatest number," would now be set up. Individuals, acting from "enlightened self-interest"—whether laborers or capitalists did not signify—would take care of themselves; and the function of government was not any more to govern, but only to keep the peace and to enforce the fulfillment of contracts which had been willingly entered into by grown men and women. Universal free trade, within and without the country, was a logical deduction from these principles. So was the liberty of adulteration, as Mr. John Bright argued, on the ground that if people wanted sound commodities they would see that they got them, and that they did not require "grandmotherly legislation." So was the long and bitter struggle, on the part of English millowners and mining lords, against the factory acts. And so, to take one of the latest instances, was Mr. Herbert Spencer's loud

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outburst in denunciation of "the coming slavery," which we may read in his volume on "The Man and the State." If competition is the all-sufficing principle on which true political economy is founded, to introduce another, and that the very opposite, in the shape of combination, must be as subversive of national prosperity as it is contrary to science.

The doctrine thus formulated by the Smithians is now known under the mischievous-looking name of "anarchy," which does not, in economic treatises, mean disorder and revolution, but the upholding of spontaneous, or purely unconscious, methods of adjusting the various interests of the individuals composing a society, in opposition to conscious efforts, especially when directed by the state, toward organizing labor and capital or production and distribution. It is hardly requisite to observe that complete anarchy has never existed, even in modern times. Nevertheless, it has so far prevailed as to make trade unions seem to well-meaning persons not only illegal—which they were at first—but wicked conspiracies for the ruin of employers, and the enslaving of helpless workingmen, who, as it was argued, surrendered their natural independence in joining them. Oddly enough, at the very moment that laborers' unions were thus frowned upon, joint-stock companies were piously encouraged, and good men, the trustees of churches and chapels, took shares in them and sat on the boards of directors; their consciences not being troubled by this species of combination, although they wept over the perversity of artisans who united to protect the only capital which they might call their own, namely, their labor and wages.

These excellent men had an answer to objections, of course, and they were not slow to give it. In joining himself to other capitalists, a proprietor, they would say, is but exhibiting his freedom of contract. He is pursuing his own advantage while benefiting others, and can draw out if he dislikes the terms. Whereas, trade-unionism is slavery; it takes from its victims the right to compete in the labor market on their own conditions, and obliges them to refuse employment—in strikes, for instance—when they would fain accept it and earn a little bread for themselves and their families. There is every reason, then, why the state should enforce joint-stock contracts thus

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willingly made, and why it should put down combinations of workmen with a strong hand. In both cases, freedom is the end and the justification of the law.

Very well; but suppose "freedom," thus conceived of, should defeat its own purpose, as regards both capital and labor, what then? Freedom of contract means, by force of terms, freedom not to contract, or else we are landed in the famous "Hobson's choice," and must ride to market on the steed which that inexorable job master shall provide for us. Now, unrestricted competition among workmen, where it was not checked by trade unions, or by the action of certain laws and customs, did result in a state of things precisely the opposite of freedom. We may learn so much from the frightful evidence regarding child labor and female labor, which is to be found in English blue books, from times preceding the factory acts down to the other day, when the report of the House of Lords on the sweating system was published. However, I do not purpose to enlarge on this part of the subject now. For "the communism of capital"—to quote Mr. Cleveland's happy phrase—will instruct us better still in the true and effective meaning of "freedom of contract," as it has been scientifically developed in our time. Capitalism, in fact, is now aware that "the natural confederacy of employers," which has never prevented internecine struggles among them, ought to be carried up to a higher stage, where it may become a conscious well-regulated union of interests, or a solid combination of those who hold commodities over against the public which consumes them. Free trade and open competition are to be abolished in favor of the body of monopolists who decide in what quantities a given article shall be produced and at what price it shall be sold. It is needless to observe that no distinction is made between the prime necessaries and the luxuries of existence in such calculations, save only that, as necessity has no law, the profit to be gained on things indispensable is much more certain than that which accrues on superfluities. A "ring" has for its express purpose "to keep up prices, to augment profits, to eliminate useless labor, to diminish risk, and to control the output." A "trust," which is defined to be "a joint-stock company of corporations," effects the same end

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by placing all powers in the hands of trustees, differentiating the stockholders, who were hitherto supposed to control their own business, from the board of management, which now becomes their paymaster. The capitalist, pure and simple, is thus developed into a mere receiver of dividends. He splits off, so to speak, from the manager, who is the real captain of industry, and who takes a stipend or wages like any other workingman. The number of hands required is greatly diminished, and internal free trade, so far as these monopolies extend, is annihilated.

The individual, be he workman, small capitalist, or consumer, has begun to feel that he cannot stand against the energy and relentless methods of the ring and the trust. Combination is found to be a mightier principle in the economic game than competition. As well oppose handicraft to machinery, as set up the scattered efforts of individuals, with their limited resources and consequent lack of staying power, against the trust. The trust is able to control every avenue of transportation, to undersell its rivals, and to hinder them from receiving supplies and from loading or unloading the goods they may have in hand. Under the decried commercial *régime* of the middle ages, prices and qualities were fixed, in a rude way doubtless, by the whole community, acting through its rulers. When the ring and the trust have spread like a network over the land—as in regard to some commodities they have done already—prices and qualities will be determined, not by the people, who can but wait with oriental submissiveness till the fiat has gone forth, but by syndicates representing shareholders. A small oligarchy of wealth, at the summit of which sit enthroned the great railway kings and their satellites, will have thus put the free American democracy under its feet. Free? Certainly; free to vote for the candidates sent to Congress by the omnipotent "trustees," whose commercial mandates will there be converted into law. To speak as the signs warrant, in that day the dominion of the whole country, of its resources in land, labor, and machinery, will have passed into the hands of stock-jobbers; and to the sixty odd millions who have no opportunity of dealing in shares will be left a political franchise to mock them with delusive hopes. The American Constitution, of which they have been so proud, will

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thus have become merely an instrument in the hands of syndicates to consecrate plunder and to perpetuate economic serfdom.

Yes; but in the face even of these gigantic monopolies, while the world's commerce is being swept into the capitalist's net, and while public property, except in the form of taxation, threatens, in America and elsewhere, to become a tradition of the past, it remains true, as Hegel said, that reason governs the nations and the world. You cannot put back the hand on the clock. All mankind are drawing together into a confederacy which may be checked or thwarted, but which has already united Europe and America and the Isles of the Sea into a Hanseatic league, vexatiously disturbed from time to time by tariff disputes, yet forming one great republic of commerce. Capital has no country; it is unpatriotic and cosmopolitan. And whereas formerly it held by the Ishmael principle of every man's hand against his fellows, it now finds that it is a good deal cheaper to buy up competitors than to eat them up. We may trace the development of great industries, of the houses of universal provision, and of trusts of the first magnitude, by the failures, bankruptcies, and suicides of smaller men to which they have led. But the system, though utterly without compassion, looks rather to the absorption of such than to their ruin as individuals. The more fortunate of them exchange the function of *entrepreneurs* at their own risk, for that of employees. It is true that in so doing they fall under the general law of competition which still weighs so heavily upon labor, and that many of them swell the ranks of the unemployed; but production undoubtedly gains by eliminating the waste, extravagance, and miscalculation which always accompany individualistic trade and manufacture. Free competition has in this manner yielded, so far as the production of wealth is concerned, to corporate activities directed from a single center. The larger a business becomes, the easier it is to manage. But now the all-important question looms upon us: For whose advantage shall it be managed; for that of the dividend-receiver, or for that of the public? In other words, Shall society as a whole obtain the benefit of scientific advance and of simplification of the methods of production and distribution; or shall that benefit go into the pocket of a class,

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comparatively small in number, and in no wise bound to return one atom of economic or social good to the millions from whom they exact this mighty tribute? Shall the community step into the place of the shareholders? Instead of monopoly, shall there be a fair and equitable control of means and products, exercised by the whole political organism? Otherwise, in the course of not many years, that organism will find itself only nominally independent, and, as regards its subsistence and its comfort, subject to a measureless despotism. At present not a can of oil or a pound of anthracite coal can be purchased throughout the United States except on conditions laid down by a handful of individuals, to whom the well-being of society is of no account whatever. Their sole aim and purpose is to enrich themselves. That may be on their part enlightened self-interest; but where is the corresponding enlightenment in a public which allows the bounty of nature and the labor of the real producers to be made a prey of, without regard for justice, civilization, or even freedom of contract? If a religious corporation should have such overweening "rights," it would be speedily told, and with reason, that they were a menace to the community. Is the situation improved by our knowledge that the trusts and the barons do not profess to be guided either by religion or by morality when they fix their prices?

Whether willingly or not, we have then, in a number of instances, arrived at a state of things radically opposed to the Utopias of the old political economists. They believed that competition would make monopolies forever impossible, and the monopolies are making an end of competition. Among the worst evils of the Days of Terror was reckoned the maximum that was decreed by the Committee of Public Safety as a standard of price. And here is another maximum, quite as arbitrary, but established by a committee of "the mutual benefit association," for the object of enhancing their own profits. What though it stints the bread and the meat and the coal of workingmen and their families in the hard Winter! Out of their necessity the larger gains are made. Once more, "to restrain trade" was a purpose scarcely avowed even by the English Parliament in dealing with Irish manufactures during the eighteenth

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century; but such is now the modest proposal that the ring and the trust admit and act upon, as testified by smokeless chimneys and the thousands of dollars paid to various mill proprietors on condition that they shall not produce. When workingmen ask for an eight-hour day, they are told it will be the ruin of industry, and that they must be more tender of their own welfare than to insist upon it. But when the communism of capital cuts down work to half time and leaves machinery idle in order "to discourage new men from starting," the course is justified because such tactics destroy competition. Assuredly they do; and they destroy the fundamental suppositions on which modern society has accepted the doctrines of Adam Smith. Here is political economy, like Lord Castlereagh, "turning its back on itself" with a witness! If there must be a despotism, had we not better submit to that of the community at large than to that of a mutual benefit association?

As exhibited in this stage of his growth, the capitalist, I have said, may be regarded in a twofold aspect. He receives dividends, which act is often facetiously termed "earning" them, and he may or may not exercise a degree of superintendence over the business from which they accrue. So far as he does any work, he obviously has a righteous claim to payment. How, let me ask, so far as he does no work at all? Is it not equally obvious that *ex nihilo nihil fit*, and that he has no right to any payment? I shall be glad to hear what can be urged in arrest of this conclusion. At all events, if we could separate the function, and therefore the wages, of superintendence, from this other obscure and disputable one of the non-working, dividend-enjoying monopolist, we might see our way to distinguish between the just rewards of each. Now the development of the trust has bestowed this unexpected benefit on the world. When it shall have gone on to its inevitable issue, the absorption of all private business that cannot stand against it, we shall hold a catalogue of "the sleeping partners of industry," and we shall know to whom the taxes of labor are in fact paid over. They, as will then be apparent, are the kings of democracy by divine right, irresponsible persons who enjoy the supplies which are not voted, but which are given, year in and year out, to keep them

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above the changes and chances of fortune. How do they expend their civil list? According to their good pleasure. They are under no obligation to return one stiver to the public which feeds, and, I had almost said, which creates them. Such is the American view of private property. Not indeed that Americans are not among the most generous and free-handed people of the universe. But when the state has taxed them, it is argued, what more does it want? And are not the taxes themselves an embarrassment, overflowing the treasury, and wetting with golden spray all manner of quaint and ill-ascertained pensioners? If the single tax should be voted to-morrow, and should turn out to be more profitable than its most sanguine advocate believes, would it accomplish what the surplus which staggers economists cannot do now; to wit, relieve distressed labor? Let the monopolists enjoy their winnings, I hear it said, since no one else would be likely to get good of them if they were appropriated by the government.

There is force in these reasonings, which tells against Mr. Henry George's scheme, and against every other that contemplates only taxation as the remedy for our deep-seated evils, and does not go on to the organization of industry on a public basis. But they open a larger question than that of the single tax. Capitalism and democracy cannot live together. One of these two must go down. A sham democracy may, indeed, continue to exist, in which the multitude serve tables and the stockholders devour what is set upon them. Yet the republic in which every fresh aggregation of capital is followed by an increase of the "unemployed" till they mount up to millions, has no very palpable advantage over the effete and monarchy-ridden states of Europe. It is just as great a crime against the Declaration of Independence to be monopoly-ridden as it is to be monarchy-ridden. If kings are superfluous, why do certain omnipotent individuals command the approaches to New York and poll its inhabitants day by day, as they buy their railway tickets? Must kings be labeled with the old names, to prove that they exert the old kind of power? Political freedom which leaves nine men out of ten without house or home, and which cannot prevent machinery and artificial prices from creating a mass of vagrants

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and loafers even in America, has clearly mistaken the shadow for the substance. And democracy, if it means to be a real transition from bad to better, must examine anew the title deeds to its inheritance, which were so magnificently drawn. It must learn, ere it be too late, how much of its property has been thoughtlessly squandered and signed away to private and irresponsible corporations. For monopolistic right is national wrong.

But, I shall be told, you cannot regulate industry on a public foundation in a day. Where are the organs, the functionaries, equal to such a task? Where is the political honesty, the sincere and large-minded patriotism, without which a resumption of state rights would issue in peculation and jobbery? My answer is that if democratic institutions cannot develop such men and such qualities, they are doomed by inherent worthlessness to corruption and decay. But they can and will; for the social problem, which is, at bottom, that of transforming slaves—by whatever name called—into free and independent citizens, has arrived at its present stage under divine guidance. We are not to lapse through capitalism into the lower conditions from which we have escaped, but are to pass onward to federation as the crowning task of democracy. Federation between all who work with head or hand, as against all non-workers who take their idle existence for the coping stone of civilization! When a class, how exalted soever, performs no useful office in society, its hour has struck. The dividend-receiver is falling into that abyss. As we have seen, not only does he not produce anything, but he has actually begun to monopolize trade, and deliberately to increase the number of starving citizens, by the process—from a scientific point of view justifiable—of extending power machinery and displacing manual labor. In a less anarchical state than ours, when labor should be released in one department it would be transferred without loss of time to another; and increased production would mean a higher degree of comfort for everybody. It now invariably brings with it suffering, pauperism, and a raised "margin of misery." To ascribe these paradoxical and inhuman results to capitalism, which absorbs not only the increase of production but the wages hitherto required for the sustenance of the workers, is plainly reasonable. More and more commodities

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exist, but the unemployed do not get them; and although the consumer may in some instances give less for what he purchases than formerly, we know well that a vast and ever-growing profit fills to bursting the coffers of those who own the land and machinery and control the labor. If one scale sinks and the other kicks the beam, it needs no subtle reasoning to prove that there is a misadjustment in the social balance, or to show how it is brought about. Neither is the way to cure it doubtful. In the place of individualistic rings and trusts, we must put the commonwealth. That is the national trust, intended by reasoned action to balance inequalities, to restore and to maintain justice, and to prevent the greed of private citizens from appropriating to themselves those things which, by the nature of the case, never can be or ought to be their absolute property. Under due conditions a man may own a plot of land or use the water power of a stream, so long as he recognizes that the land and the stream belong, in the first instance, to that community of which he is a member; but when some few men arrogate to themselves the benefits of every stream and of the whole land, leaving, so far as in them lies, nothing but a bare subsistence wage to the intellectual and the manual proletariat who give these things their present worth, it is high time that society should bestir itself and ask on what rights these formidable claims are grounded. Rights of man or of nature they certainly are not. They run counter to the very notion of a free democracy, although urged in its name. And the admission of them has proved, within the last sixteen years, that they are fatal to the hopes, which civilized mankind has obstinately cherished, that America, which has discarded feudal institutions, would never see in her midst a worse than feudal misery. A true republic, if it purposes that every citizen who is industrious and moral shall have his due share of the plenteous rewards which Providence holds out to him, will assert its sovereign claim to the control of its own resources. This alone will secure self-government; and without it there can exist no democracy worthy of the name, but a mere economic welter, presided over by place-hunters, and yielding tribute to the legalized marauders of the money market.

Let the democracy, therefore, employ its surplus in buying

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back, at a just value, the rights which monopolistic companies have been allowed to appropriate, and let it restore to the nation its roads, telegraphs, and railways. Let it become so great an employer of labor and merchant of commodities as to trim the balance, now fallen all to one side, between these semi-feudal, self-interested trusts, which constitute a real *imperium in imperio*, and the otherwise defenseless and exploited public. The mistake in former legislation is now gross and palpable. It was simply an immense *post obit*, the resource of a spendthrift too green and inexperienced to calculate the future value of his estate. He is rich enough to give compensation for recovering what belongs to him, although he will be exceedingly foolish if he accept the estimate of the worthy usurers who have lent him out of his own pocket. However, individuals need not suffer even seeming wrong; but neither should the nation which toils and produces allow itself to be defrauded any longer. By a wise gradual substitution of the democracy for superfluous kings and trustees, public property will be once more turned to its lawful uses; the mere subsistence wage will be raised to a human level; machinery, while increasing the product, will not diminish the reward of labor; and, as Shakespeare says, "the man shall have his mare again, and all shall go well." At any rate, the truths are now being driven home, as with steam power, that combination has taken, and will take more and more, the place of anarchical competition; and that if the state does not exercise it in the name and for the benefit of the whole people, developing such organs as are necessary, we may expect the return of a robber period, in which pig iron shall stand for chivalrous steel and coal pits for castles on the Rhine. In those rude old days the evolution of the centralized king put down the noble highwaymen who said "Stand and deliver" to labor and capital. Now, as I foresee the popular state, when it shall have grown self-conscious, will pay off the shareholders and absorb, for the common good, the ring and the trust.

WILLIAM BARRY.

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RUSSIA'S TREATMENT OF JEWISH SUBJECTS.

THE consensus of opinion among thinking and reading persons to-day, as to the condition of the Jews of Russia, is exceedingly unfavorable to the Russian government. We have heard from so many sources of the ill treatment, the oppression, even the malignant cruelty, endured by this unfortunate people, that the general impression is against Russia. At the same time, there is no lack of contrary statement. From time to time, persons in high place—even the minister of the United States to Russia—have so told the story that people of judicial temperament will be apt to ask for more light. The poor wretches whom we see escaping to this country are naturally filled with their own woes, and are apt to give an exaggerated picture of what they have suffered, perhaps without any clear idea of the exact causes which have led to the evils they complain of. That they have suffered terribly is very plain. Before attempting any picture of the exact condition of affairs in Russia, so far as it concerns this question, let us suppose the Jews of our own community to be subjected to the legal restrictions which now obtain in Russia. Our laws on the subject would then read somewhat as follows:

All Jews born in the United States shall be regarded as aliens. No Jews shall dwell in any part of the United States except the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi, unless they are graduates of some State university, members of a learned profession, skilled artisans holding certificates from a technical school, or members of a chamber of commerce who pay $500 a year for that privilege. No Jew shall hold any government or municipal office. No Jew shall buy or rent landed property. All Jews shall pay special taxes in connection with religious services. Synagogues must not be opened without the permission of the president of the United States, and public prayers must not be held by Jews in any other place than a synagogue. When more than ten Jews wish to meet for consultation or discussion, they must obtain permission from the municipal authorities. Married Jews who become converted to Christianity are *ipso facto* divorced on conversion; but the wife, if she remain a Jewess, must not marry again. All Jews attaining the

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age of twenty years shall serve five years in the active army and thirteen years in the reserve; but no Jew can become an officer, or even an officer's servant. No Jew shall serve in the navy.

Such a condition of affairs as is implied in this paraphrase of the Russian laws affecting Jews is so impossible, so inconceivable, in this country and to us, that we can scarcely imagine it to exist anywhere. And yet there is no exaggeration in such a paraphrase. The Jew to-day in Russia is hedged around by restrictions as whimsical and as offensive as any devised by the fanatics of the middle ages, and they are carried out with a brutality which is possible only in a half-civilized country. Jews are both heretics and aliens in Russian eyes. They do not belong to the orthodox church, therefore they are "foreigners"; and they are so styled in the law books, though their ancestors may have been settled in the districts where they reside for centuries before Russia had anything to do with them. The Russian Jews are regarded as an inheritance from Poland, and are kept confined mainly within the limits of old Poland, where they first came within the Russian grip. Besides Poland proper, there are eight provinces of western Russia—Vilna, Kovno, Vitebsk, Grodno, Minsk, Mohilev, Volhynia, and Podolia—which formerly belonged to Poland. Jews are found also in three provinces of Little Russia—Kiev, Tchernigov, and Poltava—and in four divisions of southern Russia—Ekaterinoslav, Taurida, Kherson, and Bessarabia. Old Poland and the provinces named form "the Jewish Pale of Settlement," within which the ordinary Russian Jew must live and die. This restriction, according to some expert observers, is the fount and origin of all the ills that assail the Russian Jews. It cramps all their industrial and commercial energy, and marks them out as a pariah caste set apart for degrading treatment. The only other Russian subjects similarly hampered are discharged criminals.

On May 3, 1882, at the instigation of General Ignatieff, the Czar signed the now notorious "May laws," which are important enough to be quoted here. They are as follows:

"The Committee of Ministers, having heard the report of the Minister of the Interior on the execution of the temporary orders concerning the Jews, resolves:

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"1. As a temporary measure, and until a general revision shall have been made of the laws concerning the Jews, to forbid the Jews henceforth to settle outside the towns and villages; the only exceptions being in Jewish colonies that have existed before, whose inhabitants are agriculturists. 2. To suspend temporarily the completion of instruments of purchase of real property and the execution of mortgages in the name of Jews, also the registration of Jews as lessees of landed estates situated outside the precincts of towns and villages, and also the issue of powers of attorney to enable Jews to manage and dispose of such property. 3. To forbid Jews to carry on business on Sundays and on the principal Christian holidays, and to extend to Jews the present laws requiring that places of business shall be closed on such days. 4. To restrict the measures announced in paragraphs 1, 2, and 3 to governments within the Pale of Jewish Settlement."

The effect of these laws has been tremendous and far-reaching. They have resulted in a state of affairs which, according to a recent declaration of the chief rabbi of England, compels the Russian Jew to choose between apostasy and suicide. Hitherto the Jews, if prevented from going beyond the Pale, could move from town to village and from village to village within the Pale. If this should be stopped, they would, in process of time, all be confined to the towns. The second clause restricts the Jews still more closely to the towns; for if they may not acquire land by purchase, mortgage, or lease, or have anything to do with landed property, their country life must come to an end. But Ignatieff could not fully carry his schemes into effect. The indignation of Europe over his persecution of the Jews led to his disappearance and to the virtual temporary abrogation of these laws. But the laws remained on the Russian statute book, and needed only a revival of anti-Semitic feeling among the Russian rulers to be brought into operation. This came with the increased power of Pobiedonostzeff, procurator of the Holy Synod since 1880, whose influence on the mind of his former pupil, the present Czar, has turned Russia against all dissenters from the orthodox church —not only against the Jews, but against the Lutherans and the Roman Catholics. Against the Jews it was not necessary to introduce new measures. The May laws were in existence, and the interpretation given to them by the Senate, the highest court of appeal, became more and more stringent. The avowed object of enforcing them was to clear the Jews from the open country; and they were harried from the villages into the towns, the re-

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moval causing impoverishment in many cases. For instance, within little more than eighteen months the Jewish population of the town of Tchernigov was increased, already overcrowded as it was, from 5,000 to 20,000 persons.

Last Winter the governors-general of the different provinces were notified that it was proposed to advise the Czar to adopt new measures having for their objects the extension of the May laws and the addition of new edicts emphasizing the old restrictions and disqualifications. Some of the persons to whom this new scheme was submitted sent copies to Europe, and such was the outcry made in the European press, the London "Times" taking the lead, that the Russian ambassadors hastened to assure the world that no new enactments had been passed and that no fresh edicts against the Jews were intended. Nevertheless, the laws already in existence proved to be quite sufficient to enable the government to carry out the Ignatieff scheme; for the interpretation of these laws was in the hands of government representatives, and they could be made to mean everything or nothing. Every effort was directed to make of no effect the law that exempted certain classes of Jews from imprisonment in the Pale. The meaning, for instance, of the word "artisan" was very much restricted; and many Jews, such as skilled bakers, butchers, glaziers, and even printers, were sent back to the Pale upon the ground that they did not come under that definition. Professional men being also exempt, it became necessary to find some way of limiting the number of Jewish graduates from the universities—a number which has always been very large in comparison to the Jewish population. Three years ago a rescript was issued limiting the proportion of Jewish scholars at universities and gymnasia to ten per cent. in the Pale, to five per cent. outside of it, and to three per cent. at Moscow and St. Petersburg. At first sight, this does not seem very unfair, considering the small proportion of Jews in the whole population; but the universities and the higher schools are in the towns, and here the proportion of Jews is very much greater. In 82 towns it is more than 50 per cent., and in four it exceeds 80 per cent. These statistics, too, were obtained in 1884, before the May laws had driven so many more Jews into the towns. For instance, at the

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University of Odessa the Jews are allowed to form only five per cent. of the students, while there are 106,000 of that creed in the total population of 240,000. Even where schools have been established by the munificence of opulent Jews, the proportion of Jewish scholars is still rigidly kept down. Thus, at Vinitza, in Podolia, a technical school was recently opened at the expense of the late Mr. Weinstein, a member of the Jewish community there. Notwithstanding the facts that the Jews form nearly half of the population and that the school was founded by a Jew, only eight scholars of that creed were admitted, while eighty Christian lads were granted the privilege.

Besides closing the professions to Jews in this way, by limiting the number of those who can obtain the necessary education, the Russian government has lessened the opportunities of those favored ones who are among the tenth admitted to the higher educational establishments. Recent regulations provide that no Jew shall be an army surgeon; and the only college for veterinary surgeons, that at Charkof, has been closed to Jews. Jews cannot be engineers; they are excluded from the civil service and from all public offices. The profession of advocate, in which the Jews have had great success, is now closed to all of the race who cannot obtain a permit from the minister of justice. The Russian law says in effect: "Some of you Jews may study law, but you must not practise at the bar; you may study engineering, but you can never be engineers."

According to recent estimates made by experts, the number of Russian Jews dislodged by the enforcement of the May laws from villages inside the Pale is 500,000, the number of artisans driven from homes outside the Pale is 200,000, and the number dislodged from commercial towns outside the Pale is 500,000; making a total of 1,200,000. Even if we reduce this number to 1,000,000, this is an enormous mass of people to be thrown suddenly on their own resources, in strange places already overburdened with men of their own callings. Already the misery produced by the congestion is appalling. Jews have always been among the poorest classes of Russians, owing to their large families and heavy taxes, the tax of a Jew being reckoned at half as much again as that of a Russian Christian dissenter. But the policy

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of restricting Jews to the towns has made matters incomparably worse. There are said to be 25,000 Jewish paupers in Berdichev, the Russian Jerusalem, and throughout the Pale thousands of families have only one meal a day. No wonder that those who find refuge in our country prefer what appears to us to be a miserable existence to such extremity of poverty. Jewish philanthropists in England, who have taken pity on some of the victims of the sweating system, and have offered to send them back to Russia, have been met by the assurance that, wretched as is their life in London, it is luxury compared with their fate in the Russian *ghetti*. A few days ago a Jewish physician of some intelligence, whose diploma had been withdrawn from him upon the ground that he was too full of sympathy for some poor wretches suspected of nihilism, assured me that the Russian Jews who have reached the United States feel like singing hymns of thanksgiving. Since his arrival in this country, a few weeks ago, this physician has been visiting the tenement houses and workshops of the east side of New York City, in order to gain some notion of the life of his fellow countrymen here. "Their condition may seem miserable to you," he said, "but it is paradise compared to the horrors from which they have escaped." When one realizes that, in the vast area east of the Bowery populated by Russian Jews, the crowding, the filth, the noise, and the stenches are beyond description, and that the majority of these people work from fourteen to eighteen hours a day, often beginning their labor at dawn and continuing it until they fall exhausted upon the piles of clothing that they make for the cheap shops, he can see that the fate of the Russian Jew who has to stay in Russia must be hard indeed. The confinement to towns is beginning to tell terribly on the vitality of the Russian Jews, who alone, of all their co-religionists, fail to show vital statistics superior to those of their neighbors. Medical men used to credit the Jews with immunity from phthisis; but of recent years the proportion of recruits rejected from the Russian army for this disease, which cannot be feigned, has been six and a half per cent. for Jews, as against one half of one per cent. for others. For other diseases and for feeble constitutions, no less than 61.7 per cent. of the Jewish recruits were rejected, as against

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27.2 per cent. of the ordinary Russians. Translated into plain English, this means that the persecution is a persecution to death.

Inasmuch as Russia is afflicted with a set of public officers characterized, from the smallest to the greatest, by a corruption and rapacity of which we in this country know nothing, it is not surprising that the Russian Jew is regarded as the legitimate prey of this class. He is virtually turned over to be exploited. The government subjects the Jew to a number of special taxes, and the government's servants make sure that the uttermost farthing is paid. For instance, the state levies a tax on every animal and every bird that is slaughtered for food according to the rites of the Jewish religion; a percentage on the profits of factories, breweries, industrial establishments, and other trade enterprises carried on by Jews; a percentage on property bequeathed by Jews; a tax on apparel specially worn by Jews; and other small taxes too numerous to be mentioned here.

The principal grounds upon which the Russian justifies the persecution of his Hebrew brother are as follows. He asserts, 1, that the Jews are too rapacious, and too successful in getting money and property away from the surrounding Christians; 2, that they hold themselves, as a class, apart from the rest of the community; 3, that they furnish many of the leading nihilists and mischief-makers; 4, that they evade service in the army and do not become patriotic Russians. The first accusation may be ignored, as it amounts simply to saying that the Jew is shrewder and more intelligent than his neighbors of other races. As to the Jew's refusal to mingle more freely with his neighbors of different creeds, or, in other words, to assimilate with the population, it cannot be said that he has as yet received any very warm invitation to do anything of the kind. He has been chased like a beast of prey for centuries, and now he is asked why he does not like his persecutors. The charge of nihilism is perhaps true, to the extent that the Jews naturally furnish their proportionate quota to the malcontents who have the courage to act; but that the Jews among the nihilists exceed their proper proportion to the whole population, is denied by many trustworthy writers. The charge that the Jew evades army service is disproved by official statistics. In addition to these charges

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it is said that the Jew of to-day is apt to be arrogant; and in this connection may be cited some of the petty regulations recently introduced in Odessa for the greater humiliation of the race. For instance, a Jew of the peasant class must take off his hat to every Russian officer he meets. In the street cars hangs, or did hang until recently, a sign saying that whenever a Russian officer enters a crowded car occupied partly by Jews, one of the Jews must resign his seat. In other parts of Russia there have been restrictions such as that at a certain hour all Jews must leave the public parks, and that they must not frequent public libraries except within prescribed hours. It is charged against the Jews that they will take advantage of every privilege. The poor wretches have had so few in the past that it is not surprising that they make the most of those that they have. People who wonder at the occasional obtrusiveness of the uneducated Jew, do not reflect that this is perhaps nothing more than a natural reaction from centuries of oppression. The Jew has been held down; give him freedom and there is a rebound. After all, is there any more to be said against the unpleasant Jew than against the unpleasant, uneducated person of any other creed? I do not think that any one who has looked into the Jewish question will accuse the Russian Jew of any lack of patriotism. In every Jewish synagogue in Russia is offered up a prayer for the prosperity of the nation and the happiness of the Czar, and the love of country shown by these Russian refugees is surprising to less patient people, like ourselves.

The number of Jews in Russia is estimated by the most competent experts at between 5,000,000 and 6,000,000. The present rate of emigration, notwithstanding that no passport is given to families desiring to leave the country, has reached the high figure of more than 50,000 a year. One might ask why every Jew does not abandon the country; but of course there are millions of them who can barely find food, the old people wish to die where their ancestors have lived, and people who have homes and property cannot sell at once. And as emigration is taking away from Russia the best elements among the Jews, the government will have to stop it, if for no other than economic reasons. As to the effect of the protests, petitions, and prayers of

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the Russian Jews to their own government, it can be said only that, if the history of such efforts in the past offers any criterion, there is no hope from that quarter. It is likely that foreign public opinion will be of more effect. Russia is popularly supposed to be hide-bound so far as outside criticism is concerned, but persons who ought to know assure me that such is not the case. The real causes for the persecution are explained in several ways. Upon one side it is said that the government wishes to strike a blow at nihilism through the Jews; also that the government incites Jewish persecution as a diversion that is likely to turn the public mind from other troubles and dangers. The prevalence of strikes and other manifestations of discontent in Russia, and the obvious necessity of doing something, give color to this view. Again, I have heard it said, but among the less intelligent of the Russian refugees, that religious fanaticism is at the bottom of the trouble. When the Jew becomes a Christian his troubles virtually cease, and it is surprising that during the last year not more than 1,300 Jews have renounced their religion, especially as such apostasy is not considered disgraceful by the Jews themselves. The Jew who nominally becomes a Christian because otherwise he would starve, remains a good Jew at home and among his kindred.

A question which is of great interest to Americans relates to the results of the emigration, now growing and likely to grow still further, of Russian refugees to this country. The stream first appeared in 1882. Some of these immigrants have been good settlers, who undoubtedly will assimilate with the people around them. Others herd in the great cities, notwithstanding the efforts of many educated and influential American Jews to get them out into the country; and these, while they are hard-working and frugal people, are less to be desired than farmers and country workers. In the third place, there are thousands of refugees who are compelled to make a living by peddling. A Russian of education, who has had much experience with his fellow countrymen here, and has contributed money toward helping them to colonize, sometimes with success, sometimes with failure, assures me that when failures do occur, the fault is not in the character of the immigrant but in the circum-

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stances under which such experiments are made. As a rule, he has found these immigrants hard workers and anxious to do all in their power to help themselves. The fact that several of the colonies, such as those near Vineland, N. J., have been pronounced successes, is proof that there is hope in that direction.

At a meeting held in Paris, on October 9, 1890, at the instance of *l'Alliance Israélite*, at which, besides the well-known resident members of that organization, there were present the Reverend Doctors Adler, of London, Frank, of Cologne, Kahn, of Paris, and many other influential rabbis, together with a number of well-known laymen, including Sir Julian Goldsmid and Mr. Frederick Mocatta, representing London, Mr. Charles Hallgarten, representing Frankfort, Dr. Cohn, representing Berlin, and Mr. Jacob H. Schiff, representing New York, the question came up as to how Russian emigration should be controlled. The possible danger that renewed persecution might drive to this country Jewish refugees in such numbers that they would be a menace and a discomfort to the large towns in which they should settle, especially to New York, was set forth by Mr. Schiff. The possibility of directing emigration to other parts of the world, such as Brazil, South Africa, Palestine, and Canada, was discussed, and an address was sent to the rabbis of Russia, asking them, if possible, to prevent people unfit for immigration from rushing to this country or elsewhere. One of the letters sent by a rabbi in answer to this address gives so curious an account of the situation in Russia that I cannot do better than to translate it. It is dated November 10, 1890, and is not signed; but it is vouched for as from a rabbi of high repute.

"We are asked, in the name of our American brethren, to stop, if possible, the emigration toward New York, and to advise the emigrants to go to Canada or to South America. This request shows us that, notwithstanding your desire to help us, you do not yet understand—you who live in free countries and are free—the depth of the pit in which we live and the heaviness of the clouds which surround us. You may hear sometimes complaints from Roumania, from Morocco, or from Persia; but in those countries the persecuted Jews can move heaven and earth to make their hardships known; their hands are not tied, their lips are not sealed; they can appeal to the newspapers, they can send deputations and addresses to other countries imploring the help of their co-religionists there; they can consult together, make known the names of the persecuted ones, organize

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committees. Here nothing of the kind can be done, for our government is a cruel and oppressive one as compared to the governments of those countries. It is a European government, using modern devices, but in reality it is European only in appearance; its machinery, perfected by modern science, is all the more effective and cruel toward us because it is used as an Asiatic would use it. We can say nothing; we cannot move; we cannot even tell our outside brethren of the rank misery in which we live. The law forbids an association or a meeting of more than ten persons, no matter for what object, without express permission of the government. To obtain this it is necessary to make petition after petition, and to go to trouble and expense; and, after a delay which may last two years or more, the permission may be granted only upon condition that not a word shall be said, and that not a line shall be written, of which the authorities shall not be advised. For these reasons all associations or clubs organized among us have failed. We know, it is true, that other citizens have to obey the law, but they are not called upon to discuss questions of which the government should know nothing. We have here no recognized chief who has the power, moral or official, to talk to the Jews or in their favor. Our 5,000,000 Jews are like scattered sheep, and nothing is allowed which might gather them together. In the last ten years our persecutors have trumped up another charge, regarding the famous Kahal, a mysterious power supposed to constitute a state within a state, suspected of designs upon public prosperity and of a desire to overturn the government. This stupid charge is to be blamed for many of our troubles. The government pretends to believe in it; in everything that we do and say it sees the hand or influence of this Kahal, and it surrounds us with spies even while we pray at home. Unhappy as we are, miserably poor as we are, how can the rabbis, or any one else, do what you ask? We have no right to call a meeting for consultation, or in order to help our foreign brethren; it would be considered a crime. In Roumania, for instance, one is allowed to give advice to the persecuted Jew as to how he can best get away from persecution; committees are organized, money is collected, much is done. Here we are forbidden to meet, to make ourselves heard, or to express any opinion in public. Emigration is a misdemeanor and is punished with a fine; that is one of the curious aspects of our situation. This government, as in the time of another Pharaoh, does not wish the Jews to multiply, and shuts its eyes to the poor wretches who steal over the frontier; but if it should find a rabbi openly advising emigration, he would be held to be a traitor and treated as a criminal. If, therefore, I should give advice to refugees, telling them where to go, there would be a triple charge made against me: first, it would be said that the Kahal was assuming the authority of the state; secondly, I should be asked who gave me authority to speak; thirdly, I should be accused of encouraging emigration contrary to law. The real cause of the emigration to America, and in particular to New York, is due to the reports sent home to Russia by Jews already established in that city. Those who have escaped from Russia, from our life of somber misery, have found in their new country bread to eat and

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free air to breathe; and they draw to them friends and relations who still remain here. This is a stream which cannot be stopped. It must not be imagined that the emigrants leave the country deliberately, and with permission, after having weighed the advantages of other countries in which they might settle. They are often pressed for time, and they are really fugitives. They are escaping from Russia, from suffering, and from darkness. You may believe that their farewell is a painful one; but the thought of friends already settled in America, earning their living, and no longer ground down by corruption, gives them wings. Thus, even though the rabbis should have the right and the power to say to these poor people, 'Take such and such a direction, and not this other one,' they would scarcely find listeners. When a man is fighting for his life, he does not care for advice. These fugitives will listen only when you can help them. If Moses and Samuel should come forth from the grave to say to these poor people, 'Do not go to New York; go to Canada or to South America,' it would have no effect. Remember, moreover, that the country in which we live is three times as large as France, that our people are scattered in small villages, without means of communication, and that many of the Jews are too far in the interior of Russia to be reached. It is doubtless unfortunate that all the emigrants go to New York, and we understand that this congestion of people without means, without help, without trades, offers many inconveniences, and may seriously embarrass our American brethren. But we cannot turn the stream of emigration to other countries. Our American brethren, however, can do this. Let them organize committees to send the surplus and overflow of the Russian Jews of New York to Canada and South America, and then the emigration will follow these families; for as soon as it is known in Russia that there is room in those countries, emigration will turn that way instead of to New York. Upon our part, we shall do our best to help, and shall not shirk any legitimate responsibility, or even danger, to which this work may expose us."

I have no room here for the citation of particular instances of persecution. They fill the daily papers, for that matter, and will probably continue to fill them so long as these unfortunate people are made the legal prey of the petty Russian official. There may be another side to this picture; but, if so, I have failed to find any trustworthy indications of it. The facts remain that these obnoxious, cruel laws exist, and that they are so carried out as to make hundreds of thousands of poor wretches look upon the hardest kind of poverty elsewhere as a blessed relief from the hopeless misery of their native land.

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